

By: Klick

H.B. No. 3742

A BILL TO BE ENTITLED

AN ACT

relating to the requirements for and compilation of certain emergency mental health detention records.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 573.002(b) and (d), Health and Safety Code, are amended to read as follows:

(b) The notification of detention must contain:

(1) a statement that the officer has reason to believe and does believe that the person evidences mental illness;

(2) a statement that the officer has reason to believe and does believe that the person evidences a substantial risk of serious harm to the person or others;

(3) a specific description of the risk of harm;

(4) a statement that the officer has reason to believe and does believe that the risk of harm is imminent unless the person is immediately restrained;

(5) a statement that the officer's beliefs are derived from specific recent behavior, overt acts, attempts, or threats that were observed by or reliably reported to the officer;

(6) a detailed description of the specific behavior, acts, attempts, or threats; ~~and~~

(7) the name and relationship to the apprehended person of any person who reported or observed the behavior, acts, attempts, or threats;



1 4. My beliefs are based upon the following recent behavior, overt  
2 acts, attempts, statements, or threats observed by me or reliably  
3 reported to me:

4 \_\_\_\_\_  
5 \_\_\_\_\_  
6 \_\_\_\_\_  
7 \_\_\_\_\_

8 5. The names, addresses, and relationship to the above-named  
9 person of those persons who reported or observed recent behavior,  
10 acts, attempts, statements, or threats of the above-named person  
11 are (if applicable):

12 \_\_\_\_\_  
13 \_\_\_\_\_  
14 \_\_\_\_\_  
15 \_\_\_\_\_

16 For the above reasons, I present this notification to seek  
17 temporary admission to the (name of facility)  
18 \_\_\_\_\_ inpatient mental health facility or  
19 hospital facility for the detention of (name of person to be  
20 detained) \_\_\_\_\_ on an emergency basis.

21 6. Was the person restrained in any way? Yes  No

22 7. The location from which the person was taken into custody was a:  
23 School  Home  Health Care Facility  Emergency Room  Other  
24

25 8. Demographic Information:

26 Race: Caucasian  Black  Hispanic  Asian/Pacific Islander  
27  Other

1 9. Age: Under 18  Over 18  Over 65

2 \_\_\_\_\_ BADGE NO. \_\_\_\_\_

3 PEACE OFFICER'S SIGNATURE

4 Address: \_\_\_\_\_ Zip Code: \_\_\_\_\_

5 Telephone: \_\_\_\_\_

6 \_\_\_\_\_

7 SIGNATURE OF EMERGENCY MEDICAL SERVICES PERSONNEL (if applicable)

8 Address: \_\_\_\_\_ Zip Code: \_\_\_\_\_

9 Telephone: \_\_\_\_\_

10 A mental health facility or hospital emergency department may  
11 not require a peace officer or emergency medical services personnel  
12 to execute any form other than this form as a predicate to accepting  
13 for temporary admission a person detained by a peace officer under  
14 Section 573.001, Health and Safety Code, and transported by the  
15 officer under that section or by emergency medical services  
16 personnel of an emergency medical services provider at the request  
17 of the officer made in accordance with a memorandum of  
18 understanding executed under Section 573.005, Health and Safety  
19 Code.

20 SECTION 2. Section 573.021, Health and Safety Code, is  
21 amended by adding Subsection (f) to read as follows:

22 (f) A facility that accepts a person for preliminary  
23 examination under Subsection (a), as soon as practicable but not  
24 more than 12 hours after the person is accepted to the facility,  
25 shall submit to each court with jurisdiction to order commitment  
26 under Chapter 574 a copy of the peace officer's notification of  
27 detention filed with the facility under Section 573.002.

1 SECTION 3. The heading to Section 574.014, Health and  
2 Safety Code, is amended to read as follows:

3 Sec. 574.014. COMPILATION OF MENTAL HEALTH COMMITMENT AND  
4 EMERGENCY DETENTION RECORDS.

5 SECTION 4. Section 574.014(a), Health and Safety Code, is  
6 amended to read as follows:

7 (a) The clerk of each court with jurisdiction to order  
8 commitment under this chapter shall provide the Office of Court  
9 Administration each month with a report of the number of peace  
10 officer's notification of detention forms submitted to the court  
11 under Section 573.021(f) and the number of applications for  
12 commitment orders for involuntary mental health services filed with  
13 the court and the disposition of those cases, including the number  
14 of commitment orders for inpatient and outpatient mental health  
15 services. The Office of Court Administration annually shall make  
16 the reported information available to the Health and Human Services  
17 Commission [~~department annually~~].

18 SECTION 5. The changes in law made by this Act apply only to  
19 an emergency detention that begins on or after the effective date of  
20 this Act. An emergency detention that begins before the effective  
21 date of this Act is governed by the law as it existed immediately  
22 before the effective date of this Act, and that law is continued in  
23 effect for that purpose.

24 SECTION 6. This Act takes effect September 1, 2019.