

## **BILL ANALYSIS**

Senate Research Center  
87R16421 EAS-F

H.B. 2709  
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Jurisprudence  
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Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Orders of protective custody (OPC) are court-ordered mental health commitments. OPCs are issued by a judge for individuals who refuse hospitalization and are undergoing a mental health crisis so severe that there is serious risk of harm to self or others. These OPCs are an integral tool to treat an individual who needs immediate and emergent mental health care.

When physicians apply for OPCs, time is of the essence. Currently, when an individual is taken into custody by law enforcement, and there is a need for an OPC, the party filing for the OPC must file with the court in the county where the patient is either "from" or "found." Some counties may be interpreting "found" to only apply to where a patient was taken into custody by law enforcement and not where the patient is currently receiving treatment. This ambiguity has required those who are seeking the OPC to petition a court in a different county than where the medical facility is located, which increases delays for this important process.

H.B. 2709 seeks to clarify this ambiguity and to facilitate hospitals applying for OPCs. This legislation would allow those applying for an OPC to do so in the county court where a patient is currently receiving treatment.

H.B. 2709 amends current law relating to the county in which an application for court-ordered mental health services must be filed.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 574.001(b), Health and Safety Code, to require that a sworn written application for court-ordered mental health services, except as provided by Subsection (f) (relating to an application for commitment and prehearing procedures in which the proposed patient is a child in the custody of the Texas Juvenile Justice Department), be filed with the county clerk in one of certain counties, including a county in which the proposed patient is being assessed in an emergency room or hospital. Makes nonsubstantive changes.

SECTION 2. Effective date: September 1, 2021.