

Amend CSHB 3504 (house committee report) as follows:

(1) On page 1, strike lines 5 and 6 and substitute the following:

SECTION 1. Section 573.012, Health and Safety Code, is amended by amending Subsections (a), (e), and (h) and adding Subsections (h-2) to read as follows:

(2) On page 1, between lines 6 and 7, insert the following:

(a) Except as provided by Subsection (h), an applicant for emergency detention must present the application personally to a judge or magistrate. The judge or magistrate shall examine the application and may interview the applicant. Except as provided by Subsections [~~Subsection~~] (g) and (h), the judge of a court with probate jurisdiction by administrative order may provide that the application must be:

(1) presented personally to the court; or

(2) retained by court staff and presented to another judge or magistrate as soon as is practicable if the judge of the court is not available at the time the application is presented.

(e) A person apprehended under this section who is not physically located in a mental health facility at the time the warrant is issued under Subsection (h-1) shall be transported for a preliminary examination in accordance with Section 573.021 to:

(1) the nearest appropriate inpatient mental health facility; or

(2) a mental health facility deemed suitable by the local mental health authority, if an appropriate inpatient mental health facility is not available.

(3) On page 1, line 11, between "(2)" and "secure", insert "another".

(4) On page 1, between lines 21 and 22, insert the following:

(h-2) A facility may detain a person who is physically located in the facility to perform a preliminary examination in accordance with Section 573.021 if:

(1) a judge or magistrate transmits a warrant to the facility under Subsection (h-1) for the detention of the person; and

(2) the person is not under an order under this chapter or Chapter 574.

(5) On page 5, line 7, strike "on [~~to challenge~~]" and substitute "to support or challenge".

(6) On page 5, lines 11 and 12, strike "(c) and adding Subsection (d)" and substitute "adding Subsection (a-1)".

(7) On page 5, lines 20 and 21, strike "of fact that no probable cause exists" and substitute "stating the specific facts forming the basis for the determination by the magistrate or associate judge that no probable cause exists".

(8) Strike page 5, line 22, through page 6, line 11, and substitute the following:

(a-1) If the magistrate or associate judge after the hearing under Section 574.025 denies the motion for protective custody on any fact or conclusion of law other than a finding that no probable cause exists to believe that the proposed patient presents a substantial risk of serious harm to the proposed patient or others, the order must include the findings of fact or conclusions of law on which the denial is based.

(9) On page 6, line 14, between "Subchapter I" and the underlined comma, insert "and without regard to the proposed patient's physical presence at the hearing".

(10) Strike page 6, line 27, through page 7, line 2, and substitute the following:

SECTION 11. Section 574.033(a), Health and Safety Code, is amended to read as follows:

(11) On page 7, strike lines 10 and 11.

(12) Strike SECTION 12 of the bill (page 7, lines 12-26).

(13) Strike page 7, line 27, through page 8, line 5, and substitute the following:

SECTION 12. The changes in law made by this Act to Chapter 573, Health and Safety Code, apply to an emergency detention that begins on or after the effective date of this Act. An emergency detention that begins before the effective date of this Act is governed by the law as it existed immediately before that date, and that law is continued in effect for that purpose.

(14) Add the following appropriately numbered SECTIONS to

the bill:

SECTION \_\_\_\_\_. Section 571.003, Health and Safety Code, is amended by adding Subdivision (20-a) to read as follows:

(20-a) "Psychiatrist" means a physician who is:

(A) certified by the American Board of Psychiatry and Neurology;

(B) eligible for board certification as a psychiatrist; or

(C) enrolled in a board certification training program and is under the supervision of a psychiatrist who is board certified or eligible for certification.

SECTION \_\_\_\_\_. Section 573.001(a), Health and Safety Code, is amended to read as follows:

(a) A peace officer, without a warrant, may take a person into custody, regardless of the age or location of the person, if the officer:

(1) has reason to believe and does believe that:

(A) the person is a person with mental illness;  
and

(B) because of that mental illness there is a substantial risk of serious harm to the person or to others unless the person is immediately restrained; and

(2) believes that there is not sufficient time to obtain a warrant before taking the person into custody.

(15) Renumber the SECTIONS of the bill accordingly.