

BILL ANALYSIS

C.S.H.B. 186
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Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Local hospitals are reportedly finding that certain county courts do not allow a hospital's treating clinicians to request orders of protective custody (OPC) from the county in which the hospital is located. Instead, the hospital must seek the OPC from the county in which the patient was apprehended by law enforcement, which is often a neighboring county. The law currently allows the application to be filed in the county in which the patient resides, is found, or is receiving court-ordered mental health services. Most jurisdictions, but not all, interpret this current statute to include the location of the hospital, as that is where the patient is currently located. C.S.H.B. 186 seeks to clarify existing law by specifying the locations in which clinicians may request OPCs for the patients they are treating. Under the bill's clarifying changes to the statute, hospitals will be able to file applications in their own county, rather than going to a neighboring county, which adds costs and time to the process. This change will help patients receive treatment more quickly.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 186 amends the Health and Safety Code to do the following with respect to an application for court-ordered mental health services filed with a county clerk:

- clarifies that such an application may be filed in the county in which the proposed patient is located at the time the application is filed; and
- authorizes such an application to be filed in the county in which that person was apprehended for emergency detention.

EFFECTIVE DATE

September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 186 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The introduced added another location to the existing locations where an application for court-ordered mental health services may be filed, allowing an application to be filed in the county in which the proposed patient is being assessed in an emergency room or hospital, while retaining the option in current law for the application to be filed in the county in which the patient was found. The substitute does not include the location added by the introduced and instead does the following:

- authorizes an application to be filed in the county in which the proposed patient was apprehended for emergency detention; and
- clarifies that an application may be filed in the county in which the proposed patient is located at the time the application is filed.