

BILL ANALYSIS

H.B. 1464
By: Campos
Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The Treatment Advocacy Center, in its report "Grading the States: An Analysis of U.S. Psychiatric Treatment Laws," recommended modifications to current Texas statutes related to involuntary mental health inpatient and outpatient commitments. With the goal of improving and modernizing mental health treatment laws, these recommendations include making emergency evaluation criteria consistent with inpatient criteria, extending the duration of the emergency hold period, providing an adequate definition of danger to self or others, and extending the duration of an initial court order for outpatient treatment. H.B. 1464 seeks to modify state law regarding emergency and court-ordered mental health treatment in accordance with these recommendations.

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

H.B. 1464 amends the Health and Safety Code to extend the maximum time period that a person accepted for a preliminary mental health examination by a physician for emergency detention may be detained in emergency custody in a mental health facility, unless a written order for protective custody is obtained, from 48 hours after the time the person is presented to the facility to 72 hours after that time. This extension applies only to an emergency detention that begins on or after the bill's effective date.

H.B. 1464 increases the maximum duration of mental health treatment that a court order for temporary outpatient mental health services must state is authorized, from not longer than 45 days to not longer than 90 days, and, if a judge finds that the longer period is necessary, from a specified period not to exceed 90 days to a specified period not to exceed 180 days.

H.B. 1464 revises the circumstances under which a judge may order a proposed patient who is a person with a mental illness to receive court-ordered temporary or extended inpatient mental health services as follows:

- with respect to the risk of causing serious harm the proposed patient poses to themselves or to others as a result of the mental illness, changes the circumstance from the proposed patient being likely to cause such serious harm to posing a substantial risk of causing such harm as evidenced by the following:

- serious threats of attempting suicide, a suicide attempt, or other significant self-inflicted bodily harm; or
 - violent behavior directed toward others; and
- includes as such a circumstance that the proposed patient, as a result of the mental illness, is experiencing severe mental or physical deterioration that, without immediate intervention, poses a substantial risk of severe impairment or injury to the proposed patient.

The bill includes, as applicable, expert testimony and evidence of a recent overt act or a continuing pattern of behavior that tends to confirm the severe deterioration of the proposed patient that poses a substantial risk of impairment or injury to the proposed patient among the information that evidence must include to be considered clear and convincing for purposes of a judge's authority to order such inpatient mental health services. The bill's provisions with respect to court-ordered mental health services apply only to a proceeding for those services that occurs on or after the bill's effective date, regardless of when an offense with which the defendant is charged was committed.

EFFECTIVE DATE

September 1, 2023.