

BILL ANALYSIS

H.B. 2417
By: Cain
Public Health
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under current law, a person who is taken to a mental health facility for emergency detention must be informed within 24 hours of admission to the facility that what the person says to a mental health professional may be used for detention or commitment. This is a cause for concern because it is likely the person has already gone through multiple layers of questioning by that deadline without any acknowledgment of their rights. H.B. 2417 seeks to address this issue by requiring a person under emergency detention at a mental health facility to be informed of the person's rights at the time the person is admitted to the facility and before questioning, assessing, or examining the person.

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. 2417 amends the Health and Safety Code to change the timeframe within which a person who is apprehended, detained, or transported for emergency detention under the Texas Mental Health Code, including a person taken into custody by a peace officer without a warrant, must be informed of the person's rights under that code from within 24 hours after the person is admitted to a mental health facility to at the time the person is admitted to the facility and before the person is questioned, assessed, or examined. The bill includes among the information that such a peace officer must provide to the person orally in simple, nontechnical terms the following warning:

- the person has the right to remain silent and not make any statement at all and that any statement the person makes may be used against the person at trial;
- any statement the person makes may be used as evidence against the person in court;
- the person has the right to have a lawyer present to advise the person prior to and during any questioning;
- if the person is unable to employ a lawyer, the person has the right to have a lawyer appointed to advise the person prior to and during any questioning; and
- the person has the right to terminate the interview at any time.

EFFECTIVE DATE

September 1, 2023.