

By: Hull, Dutton, Lozano,
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H.B. No. 1927

A BILL TO BE ENTITLED

1 AN ACT

2 relating to a parent's right to intervene in the apprehension by a
3 peace officer of a child for an emergency detention and certain
4 requirements and restrictions applicable to an emergency
5 detention.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. Section 573.001, Health and Safety Code, is
8 amended by amending Subsection (a) and adding Subsection (i) to
9 read as follows:

10 (a) Subject to Section 573.0011, a [A] peace officer,
11 without a warrant, may take a person into custody, regardless of the
12 age of the person, if the officer:

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

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

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

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

21 (i) A peace officer who takes a person into custody under
22 Subsection (a) must use age-appropriate trauma-informed practices
23 in responding to the situation.

24 SECTION 2. Subchapter A, Chapter 573, Health and Safety

1 Code, is amended by adding Sections 573.0011 and 573.0012 to read as
2 follows:

3 Sec. 573.0011. PARENT'S RIGHT TO INTERVENE IN EMERGENCY
4 DETENTION OF CHILD. (a) In this section, "child" means a person
5 younger than 18 years of age.

6 (b) A parent, guardian, conservator, or other person
7 standing in parental relation to a child who is made aware that the
8 child is being placed under an emergency detention under this
9 subchapter has the right to take custody of the child and may
10 voluntarily seek treatment or services for the child from a
11 provider of the person's choice.

12 (c) A peace officer, including a school district peace
13 officer commissioned under Section 37.081, Education Code, may not
14 place a child under an emergency detention under this subchapter
15 without first attempting to contact the child's parent, guardian,
16 conservator, or other person standing in parental relation to the
17 child and informing the person about the person's right under
18 Subsection (b).

19 (d) If a peace officer transports a child to a facility
20 under Section 573.001, the officer must include a statement
21 describing the officer's attempt to contact a parent, guardian,
22 conservator, or other person standing in parental relation to the
23 child, as required by Subsection (c), in the emergency detention
24 form described by Section 573.002(d) that the officer files with
25 the facility as a notification of detention under that section.

26 (e) If a school district peace officer transports a child to
27 a facility under Section 573.001, in addition to the requirement

1 imposed by Subsection (d), the officer must also document the
2 officer's attempt to contact a parent, guardian, conservator, or
3 other person standing in parental relation to the child, as
4 required by Subsection (c), in the child's student records with the
5 school district, and the district must forward a copy of the
6 applicable records to the child's parent, guardian, conservator, or
7 other person standing in parental relation to the child.

8 Sec. 573.0012. CERTAIN RESTRAINT DEVICES PROHIBITED ON
9 CHILD 10 YEARS OF AGE OR YOUNGER. (a) A peace officer may not use
10 handcuffs, electrical devices, chemical agents, or any other
11 similar devices intended for use in the control or management of
12 detainees to apprehend a child 10 years of age or younger for
13 purposes of an emergency detention under this subchapter unless the
14 child poses an imminent risk of harm to the child or another person.

15 (b) If a peace officer uses a restraint device described
16 under Subsection (a) to apprehend a child, the officer must include
17 in the emergency detention form described by Section 573.002(d)
18 filed with a facility as a notification of detention under that
19 section a statement describing the circumstances that formed the
20 basis for the officer's belief that a risk of harm was imminent
21 unless the child was immediately restrained.

22 SECTION 3. The changes in law made by this Act apply only to
23 the apprehension for an emergency detention that occurs on or after
24 the effective date of this Act. An apprehension for emergency
25 detention that occurs before the effective date of this Act is
26 governed by the law in effect on the date the apprehension for
27 emergency detention occurred, and the former law is continued in

1 effect for that purpose.

2 SECTION 4. This Act takes effect September 1, 2023.