

By: Hinojosa, Huffman

S.B. No. 1433

A BILL TO BE ENTITLED

AN ACT

relating to procedures for the emergency detention of certain persons with mental illness.

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

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

(i) A peace officer may detain in custody under this section a person who has been admitted to a facility, regardless of whether the person was admitted for voluntary mental health services.

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

(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 has not been

1 admitted to a mental health facility at the time the warrant is  
2 issued under Subsection (h-1) shall be transported for a  
3 preliminary examination in accordance with Section 573.021 to:

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

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

9 (h) A judge or magistrate shall ~~may~~ permit an applicant  
10 who is a physician to present an application by:

11 (1) e-mail with the application attached as a secure  
12 document in a portable document format (PDF); or

13 (2) another secure electronic means, including:

14 (A) satellite transmission;

15 (B) closed-circuit television transmission; or

16 (C) any other method of two-way electronic  
17 communication that:

18 (i) is secure;

19 (ii) is available to the judge or  
20 magistrate; and

21 (iii) provides for a simultaneous,  
22 compressed full-motion video and interactive communication of  
23 image and sound between the judge or magistrate and the applicant.

24 (h-2) If a judge or magistrate transmits a warrant under  
25 Subsection (h-1) for the detention of a person who has been admitted  
26 to a facility at the time the application is presented under  
27 Subsection (h), the facility may detain the person to perform a

1 preliminary examination in accordance with Section 573.021.

2       SECTION 3. The changes in law made by this Act apply to an  
3 emergency detention under Chapter 573, Health and Safety Code, that  
4 begins on or after the effective date of this Act. An emergency  
5 detention under Chapter 573, Health and Safety Code, that begins  
6 before the effective date of this Act is governed by the law as it  
7 existed immediately before that date, and that law is continued in  
8 effect for that purpose.

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