

**HOUSE OF REPRESENTATIVES  
COMPILATION OF PUBLIC COMMENTS**

Submitted to the Committee on Criminal Jurisprudence  
For HB 3548

Compiled on: Tuesday, April 4, 2023 7:56 AM

Note: Comments received by the committee reflect only the view of the individual(s) submitting the comment, who retain sole responsibility for the content of the comment. Neither the committee nor the Texas House of Representatives takes a position on the views expressed in any comment. The committee compiles the comments received for informational purposes only and does not exercise any editorial control over comments.

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Hearing Date: March 28, 2023 10:30 AM - or upon final adjourn./recess or bill referral if permission granted

Aaryce Hayes  
Disability Rights Texas  
Austin, TX

Disability Rights Texas (DRTx) is the Protection and Advocacy System for Texas charged to protect, promote and advance the rights of individuals with disabilities. P&A systems are required by federal acts to pursue legal, administrative and other appropriate remedies to protect and advocate for the rights of individuals with disabilities under all applicable federal and state laws. Thank you for allowing DRTx. the opportunity to provide comments on this proposed agenda item.

DRTx appreciates the efforts of Representative Johnson's staff to discuss our concerns about the companion HB 2189 and work toward a compromise but those efforts were unsuccessful. DRTx is opposed to HB 3548. We respect the intent of the bill which is to equalize the penalty against hospital personnel regardless of the position they hold in the hospital. As filed the bill will increase the numbers of individuals with a diagnosis of mental illness (MI) or intellectual and developmental disability (IDD), whose detention for assessment in a hospital results in a felony charge while awaiting competency restoration to be tried. Assessments for court-ordered mental health services often occur in emergency rooms and private hospitals licensed to treat individuals with an MI or IDD/MI. Individuals with MI or IDD are apprehended when their behavioral symptoms (often exacerbated by poverty or homelessness) bring them to the attention of law enforcement, who may detain them charging them with a misdemeanor and seeking assessment for court-ordered services. While waiting for an assessment, which frequently takes hours and sometimes days, it is not unusual for the person to become agitated and even attempt to leave, sometimes resulting in pushing others. Interactions often escalate rather than de-escalate the situation.

This bill increases the likelihood that an individual with MI or IDD will be held on felony charges for behaviors that are symptomatic of the diagnosis for which they are being assessed or treated.

It is antithetical that a hospital, licensed to accept individuals who meet the commitment criteria of being a substantial risk of serious harm to the person or to others unless the person is immediately restrained, would seek to punish individuals being detained in the facility due to those same behaviors. This is especially true given the backlog of individuals already awaiting competency restoration in order to receive a trial. This change adds to these rolls.

DRTx again asks for reconsideration of how the escalation of changing to a felony for behaviors that would otherwise be considered a misdemeanor violates the civil rights of persons with disabilities who have been involuntarily placed in care.

DRTx appreciates your time and consideration of our comments. If you need additional information or have questions, please contact Aaryce Hayes, Policy Specialist, DRTx.

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