

BILL ANALYSIS

Senate Research Center
89R19 MPF-D

H.B. 171
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Criminal Justice
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, persons with chemical dependency may be subject to court-ordered treatment at an applicable facility for no more than 90 days. The law is silent, however, regarding the minimum number of days persons must be treated. This has resulted in short stays, which may lead to less effective treatment outcomes.

H.B. 171 seeks to address this issue by enacting the Anell Borrego Act, named after a constituent of Representative Ryan Guillen and Senator Judith Zaffirini. Anell Borrego spent years in and out of short-term placements in drug rehabilitation facilities, with no long-term support or continuity of care. Ms. Borrego passed away at 23 years of age. The Anell Borrego Act would set 60 days as the minimum duration of court-ordered treatment for chemical dependency to ensure persons receive the proper attention and treatment for their chemical dependency, strengthen the rehabilitation process, and help prevent relapse.

H.B. 171 amends current law relating to the certificate of medical examination for chemical dependency and the duration of court-ordered treatment for a person with a chemical dependency.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Authorizes this Act to be cited as the Anell Borrego Act.

SECTION 2. Amends Section 462.001, Health and Safety Code, by adding Subdivision (4) to define "commission."

SECTION 3. Amends Section 462.064(c), Health and Safety Code, to require that the certificate of medical examination for chemical dependency include certain information, including the examining physician's opinion stating the proposed patient is a person with a chemical dependency and, as a result of that chemical dependency, is likely to meet certain criteria, and makes a nonsubstantive change.

SECTION 4. Amends Section 462.069(a), Health and Safety Code, to require the court, except as provided by Section 462.080(b), to commit the proposed patient to a treatment facility approved by the Health and Human Services Commission (HHSC), rather than the Texas Department of State Health Services (DSHS), to accept court commitments for at least 60 days but not more than 90 days if the proposed patient admits the allegations of the application or at the hearing on the merits, the court or jury finds that the material allegations in the application have been proved by clear and convincing evidence and makes a nonsubstantive change.

SECTION 5. Amends Section 462.075(f), Health and Safety Code, as follows:

(f) Requires the court, except as provided by Section 462.080(b), to commit the proposed patient to a treatment facility approved by HHSC, rather than DSHS, to accept

commitments for at least 60 days but not more than 90 days if the proposed patient admits the allegations of the application or at the hearing on the merits, the court or jury finds that the material allegations in the application have been proved by clear and convincing evidence. Makes a nonsubstantive change.

SECTION 6. Amends Section 462.080(b), Health and Safety Code, to authorize the administrator to discharge a patient before the court order expires if the administrator or physician treating the patient determines that the patient no longer meets the criteria for court-ordered treatment.

SECTION 7. Amends Sections 462.081(a) and (d), Health and Safety Code, as follows:

(a) Authorizes a judge of a court with jurisdiction of misdemeanor cases, except as provided by Section 462.080(b), to remand the defendant to a treatment facility approved by HHSC, rather than DSHS, to accept court commitments for care and treatment for at least 60 days but not more than 90 days, instead of incarceration or fine, if certain criteria are met, including a treatment facility approved by HHSC, rather than DSHS, is available to treat the defendant.

(d) Authorizes a juvenile court with jurisdiction of misdemeanor cases, except as provided by Section 462.080(b), to remand a child to a treatment facility for care and treatment for at least 60 days but not more than 90 days after the date on which the child is remanded if certain criteria is met, including a treatment facility approved by HHSC, rather than DSHS, to accept court commitments is available to treat the child.

SECTION 8. Makes application of this Act prospective.

SECTION 9. Effective date: September 1, 2025.