

BILL ANALYSIS

H.B. 3163
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Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The bill author has informed the committee that some hospitals, particularly those located near the border of multiple counties, experience difficulties obtaining orders of protective custody (OPC) from county courts. The bill author has also informed the committee that, when the county in which the patient resides or the county in which the patient was intercepted by EMS or law enforcement differs from the county in which the treating hospital is located, certain courts vary in their interpretations of current law. The bill author has further informed the committee that this leads to confusion, delays in care, and patients determined by a doctor to be acutely suicidal to be released from the hospital, ultimately increasing administrative costs of hospitals and law enforcement. H.B. 3163 seeks to clarify existing law by providing that OPC applications may be filed in either the county in which the patient is located at the time of filing or the county in which the patient was apprehended under an emergency detention order.

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. 3163 amends the Health and Safety Code to do the following with respect to an application for court-ordered mental health services filed with a county clerk:

- clarify that the application may be filed in the county in which the proposed patient is located at the time the application is filed; and
- authorize the application to be filed in the county in which that person was apprehended for emergency detention.

The bill applies only to an application for court-ordered mental health services submitted on or after the bill's effective date.

EFFECTIVE DATE

September 1, 2025.