

By: Hull

H.B. No. 2069

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 (b) If a peace officer uses a restraint device described by
19 Subsection (a) to apprehend a child, the officer must include in the
20 emergency detention form described by Section 573.002(d) filed with
21 a facility as a notification of detention under that section a
22 statement describing the circumstances that formed the basis for
23 the officer's belief that a risk of harm was imminent if the child
24 was not immediately restrained.

25 SECTION 3. The changes in law made by this Act apply only to
26 the apprehension for an emergency detention that occurs on or after
27 the effective date of this Act. An apprehension for emergency

1 detention that occurs before the effective date of this Act is
2 governed by the law in effect on the date the apprehension for
3 emergency detention occurred, and the former law is continued in
4 effect for that purpose.

5 SECTION 4. This Act takes effect September 1, 2025.