

1-1 By: Zaffirini S.B. No. 1164  
1-2 (In the Senate - Filed February 7, 2025; February 28, 2025,  
1-3 read first time and referred to Committee on Criminal Justice;  
1-4 April 16, 2025, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 7, Nays 0; April 16, 2025,  
1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	<u>Flores</u>	X		
1-10	<u>Parker</u>	X		
1-11	<u>Hagenbuch</u>	X		
1-12	<u>Hinojosa of Hidalgo</u>	X		
1-13	<u>Huffman</u>	X		
1-14	<u>King</u>	X		
1-15	<u>Miles</u>	X		

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 1164 By: Flores

1-17 A BILL TO BE ENTITLED  
1-18 AN ACT

1-19 relating to emergency detention of certain persons evidencing  
1-20 mental illness and to court-ordered inpatient and extended mental  
1-21 health services.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 573.001(a), Health and Safety Code, is  
1-24 amended to read as follows:

1-25 (a) A peace officer, without a warrant, may take a person  
1-26 into custody, regardless of the age of the person, if the officer ~~[+~~  
1-27 ~~[(1)]~~ has reason to believe and does believe that:

1-28 (1) ~~[(A)]~~ the person is a person with mental  
1-29 illness ~~[+]~~ and

1-30 ~~[(B)]~~ because of that mental illness;

1-31 (A) there is a substantial risk of serious harm  
1-32 to the person or to others ~~[unless the person is immediately~~  
1-33 ~~restrained]~~;

1-34 (B) the person evidences severe emotional  
1-35 distress and deterioration in the person's mental condition; or

1-36 (C) the person evidences an inability to  
1-37 recognize symptoms or appreciate the risks and benefits of  
1-38 treatment; ~~and]~~

1-39 (2) the person is likely without immediate detention  
1-40 to suffer serious risk of harm or to inflict serious harm on another  
1-41 person; and

1-42 (3) ~~[believes that]~~ there is not sufficient time to  
1-43 obtain a warrant before taking the person into custody.

1-44 SECTION 2. The heading to Section 573.002, Health and  
1-45 Safety Code, is amended to read as follows:

1-46 Sec. 573.002. PEACE OFFICER'S NOTIFICATION OF EMERGENCY  
1-47 DETENTION.

1-48 SECTION 3. Section 573.002, Health and Safety Code, is  
1-49 amended by amending Subsections (a), (b), (c), and (d) and adding  
1-50 Subsection (f) to read as follows:

1-51 (a) A peace officer shall immediately file with a facility a  
1-52 notification of emergency detention after transporting a person to  
1-53 that facility in accordance with Section 573.001. Emergency  
1-54 medical services personnel of an emergency medical services  
1-55 provider who transport a person to a facility at the request of a  
1-56 peace officer made in accordance with a memorandum of understanding  
1-57 executed under Section 573.005 shall immediately file with the  
1-58 facility the notification of emergency detention completed by the  
1-59 peace officer who made the request.

1-60 (b) The notification of emergency detention must contain:

1-61 (1) a statement that the officer has reason to believe

2-1 and does believe that the person evidences mental illness;  
2-2 (2) a statement that the officer has reason to believe  
2-3 and does believe that the person evidences a substantial risk of  
2-4 serious harm to the person or others;

2-5 (3) [~~a specific description of the risk of harm,~~  
2-6 [~~4~~] a statement that the officer has reason to  
2-7 believe and does believe that the risk of harm is imminent unless  
2-8 the person is immediately restrained;

2-9 (4) [~~5~~] a statement that the officer's beliefs are  
2-10 derived from specific recent behavior, overt acts, attempts, or  
2-11 threats that were observed by or reliably reported to the officer;

2-12 (5) [~~6~~] a detailed description of the specific  
2-13 behavior, acts, attempts, or threats; and

2-14 (6) [~~7~~] the name and relationship to the apprehended  
2-15 person of any person who reported or observed the behavior, acts,  
2-16 attempts, or threats.

2-17 (c) The facility where the person is detained shall include  
2-18 in the detained person's clinical file the notification of  
2-19 emergency detention described by this section.

2-20 (d) The peace officer shall provide the notification of  
2-21 emergency detention in substantially [~~on~~] the following form:

2-22 Notification--Emergency Detention NO. \_\_\_\_\_

2-23 DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

2-24 THE STATE OF TEXAS

2-25 FOR THE BEST INTEREST AND PROTECTION OF:

2-26 \_\_\_\_\_

2-27 DOB: \_\_\_\_\_ RACE: \_\_\_\_\_ GENDER: \_\_\_\_\_

2-28 PHONE NUMBER: \_\_\_\_\_ ADDRESS: \_\_\_\_\_

2-29 NOTIFICATION OF EMERGENCY DETENTION

2-30 Now comes \_\_\_\_\_, a peace officer with  
2-31 (name of agency) \_\_\_\_\_, of the State of  
2-32 Texas, and states as follows:

2-33  [~~1~~] I have reason to believe and do believe that (name of  
2-34 person to be detained) \_\_\_\_\_ evidences mental  
2-35 illness; [~~2~~]

2-36  [~~2~~] I have reason to believe and do believe that the  
2-37 above-named person evidences a substantial risk of serious harm to  
2-38 himself/herself or others based on the person's behavior or  
2-39 evidence the person is experiencing severe emotional distress and  
2-40 deterioration to the extent the person cannot remain at liberty;  
2-41 and [upon the following:

2-42 [\_\_\_\_\_  
2-43 \_\_\_\_\_  
2-44 \_\_\_\_\_  
2-45 \_\_\_\_\_]

2-46  [~~3~~] I have reason to believe and do believe that the [~~above~~]  
2-47 risk of harm is imminent unless the above-named person is  
2-48 immediately restrained.

2-49 1. [~~4~~] My above-stated beliefs are based upon the following  
2-50 recent behavior, severe emotional distress and deterioration,  
2-51 overt acts, attempts, statements, or threats observed by me or  
2-52 reliably reported to me (may use attachments to report additional  
2-53 information):

2-54 \_\_\_\_\_  
2-55 \_\_\_\_\_  
2-56 \_\_\_\_\_

2-57 2. [~~5~~] The names, addresses, phone numbers, and relationship to  
2-58 the above-named person of those persons who reported or observed  
2-59 recent behavior, acts, attempts, statements, or threats of the  
2-60 above-named person are (if applicable):

2-61 \_\_\_\_\_  
2-62 \_\_\_\_\_  
2-63 \_\_\_\_\_  
2-64 \_\_\_\_\_

2-65 ADULT 65 YEARS OF AGE OR OLDER?  YES  NO If yes,  
2-66 age: \_\_\_\_\_

2-67 CHILD 17 YEARS OF AGE OR YOUNGER?  YES  NO If yes,  
2-68 age: \_\_\_\_\_  
2-69 \_\_\_\_\_

3-1 FOR A CHILD 17 YEARS OF AGE OR YOUNGER (if yes):  
3-2 My belief the child is at risk of imminent serious harm unless  
3-3 immediately removed from the parents' custody is based on the  
3-4 above-stated facts showing the parents or guardians are presently  
3-5 unable to protect the child from imminent serious harm.

3-6  I provided notice to the child's parents or guardians of my  
3-7 intention to file this notification.

3-8  I was not able to provide notice to the child's parents or  
3-9 guardians of my intention to file this notification because:

3-10 \_\_\_\_\_  
3-11 \_\_\_\_\_

3-12 Parent/Guardian Contact Information: \_\_\_\_\_  
3-13 \_\_\_\_\_

3-14 USE OF RESTRAINT

3-15 Was the person physically restrained in any way? Yes  No

3-16 If yes, reason for physical restraint?  Officer Safety

3-17  Person's Safety  Other \_\_\_\_\_

3-18 CALL ORIGINATED AT:

3-19  Public Area  Residence  School/University

3-20  Group Home  Hospital

3-21  Other \_\_\_\_\_

3-22 OBSERVATIONS/HISTORY

3-23 If YES to any question below, provide additional information:

3-24 

	<u>YES</u>	<u>NO</u>	<u>UNKNOWN</u>	<u>NOTES</u>
--	------------	-----------	----------------	--------------

3-25 Harm to self  
3-26 or stating an  
3-27 intention to  
3-28 harm self?

3-29 Previous  
3-30 attempt to  
3-31 commit  
3-32 suicide?

3-33 Harm to  
3-34 others or  
3-35 stating an  
3-36 intention to  
3-37 harm others?

3-38 Previous  
3-39 serious harm  
3-40 or injury to  
3-41 others?

3-42 Previous  
3-43 psychiatric  
3-44 hospital  
3-45 treatment?

3-46 Reported  
3-47 mental health  
3-48 diagnosis?

3-49 Prescribed  
3-50 psychiatric  
3-51 medications?

3-52 Current  
3-53 psychiatric  
3-54 medications  
3-55 taken?

3-56 Sleeping  
3-57 difficulty?  
3-58 Substance use  
3-59 disorder?

3-60 TRANSPORTED TO:  
3-61  Hospital/Emergency Room  Mental Health Facility

3-62  Other \_\_\_\_\_

3-63 For the above reasons, I present this notification to seek  
3-64 temporary admission to the (name of facility)  
3-65 \_\_\_\_\_ inpatient mental health facility or  
3-66 hospital facility for the detention of (name of person to be  
3-67 detained) \_\_\_\_\_ on an emergency basis.

3-68 [~~6. Was the person restrained in any way? Yes  No~~ ]

3-69 PEACE OFFICER'S PRINTED NAME: \_\_\_\_\_

4-1 BADGE NO. \_\_\_\_\_  
 4-2 PEACE OFFICER'S SIGNATURE \_\_\_\_\_  
 4-3 Address: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
 4-4 Telephone: \_\_\_\_\_  
 4-5 [\_\_\_\_\_]  
 4-6 SIGNATURE OF EMERGENCY MEDICAL SERVICES PERSONNEL (if applicable)  
 4-7 PRINTED NAME OF PERSONNEL: \_\_\_\_\_  
 4-8 Address: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
 4-9 Telephone: \_\_\_\_\_

4-10 A mental health facility or hospital emergency department may  
 4-11 not require a peace officer or emergency medical services personnel  
 4-12 to execute any form other than this form as a predicate to accepting  
 4-13 for temporary admission a person detained by a peace officer under  
 4-14 Section 573.001, Health and Safety Code~~[, and transported by the~~  
 4-15 ~~officer under that section or by emergency medical services~~  
 4-16 ~~personnel of an emergency medical services provider at the request~~  
 4-17 ~~of the officer made in accordance with a memorandum of~~  
 4-18 ~~understanding executed under Section 573.005, Health and Safety~~  
 4-19 ~~Code].~~

4-20 (f) A peace officer who transports an apprehended person to  
 4-21 a facility under Section 573.001(d)(1) or emergency medical  
 4-22 services personnel of an emergency medical services provider who  
 4-23 transports a person to a facility under Section 573.001(d)(2):

4-24 (1) is not required to remain at the facility while the  
 4-25 apprehended person is medically screened or treated or while the  
 4-26 person's insurance coverage is verified; and

4-27 (2) may leave the facility immediately after:  
 4-28 (A) the person is taken into custody by  
 4-29 appropriate facility staff; and

4-30 (B) the notification of emergency detention  
 4-31 required by this section is provided to the facility.

4-32 SECTION 4. Section 573.003(a), Health and Safety Code, is  
 4-33 amended to read as follows:

4-34 (a) A guardian of the person of a ward who is 18 years of age  
 4-35 or older, without the assistance of a peace officer, may transport  
 4-36 the ward to an inpatient mental health facility for a preliminary  
 4-37 examination in accordance with Section 573.021 if the guardian has  
 4-38 reason to believe and does believe that:

4-39 (1) the ward is a person with mental illness~~[+]~~ and  
 4-40 ~~[-2-]~~ because of that mental illness;

4-41 (A) there is a substantial risk of serious harm  
 4-42 to the ward or to others;

4-43 (B) the ward evidences severe emotional distress  
 4-44 and deterioration in the ward's mental condition; or

4-45 (C) the ward evidences an inability to recognize  
 4-46 symptoms or appreciate the risks and benefits of treatment; and

4-47 (2) the ward is likely without immediate detention to  
 4-48 suffer serious risk of harm or to inflict serious harm on another  
 4-49 person ~~[unless the ward is immediately restrained].~~

4-50 SECTION 5. Section 573.012(b), Health and Safety Code, is  
 4-51 amended to read as follows:

4-52 (b) The magistrate shall deny the application unless the  
 4-53 magistrate finds that there is reasonable cause to believe that:

4-54 (1) the person evidences mental illness ~~and because of~~  
 4-55 that mental illness~~+~~

4-56 ~~[-2-]~~ the person evidences:  
 4-57 (A) a substantial risk of serious harm to himself  
 4-58 or others;

4-59 (B) severe emotional distress and deterioration  
 4-60 in the person's mental condition; or

4-61 (C) an inability to recognize symptoms or  
 4-62 appreciate the risks and benefits of treatment;

4-63 (2) the person is likely without immediate detention  
 4-64 to suffer serious risk of harm or to inflict serious harm on another  
 4-65 person;

4-66 (3) the risk of harm is imminent unless the person is  
 4-67 immediately restrained; and

4-68 (4) the necessary restraint cannot be accomplished  
 4-69 without emergency detention.

5-1 SECTION 6. Section 573.022(a), Health and Safety Code, is  
5-2 amended to read as follows:

5-3 (a) A person may be admitted to a facility for emergency  
5-4 detention only if the physician who conducted the preliminary  
5-5 examination of the person makes a written statement that:

5-6 (1) is acceptable to the facility;  
5-7 (2) states ~~[that]~~ after a preliminary examination it  
5-8 is the physician's opinion that:

5-9 (A) the person is a person with mental illness  
5-10 and because of that mental illness~~[+]~~  
5-11 ~~[(B)]~~ the person evidences:

5-12 (i) a substantial risk of serious harm to  
5-13 the person or to others;

5-14 (ii) severe emotional distress and  
5-15 deterioration in the person's mental condition; or

5-16 (iii) an inability to recognize symptoms or  
5-17 appreciate the risks and benefits of treatment;

5-18 (B) ~~[(C)]~~ the described risk of harm is imminent  
5-19 unless the person is immediately restrained; and

5-20 (C) ~~[(D)]~~ emergency detention is the least  
5-21 restrictive means by which the necessary restraint may be  
5-22 accomplished; and

5-23 (3) includes:  
5-24 (A) a description of the nature of the person's  
5-25 mental illness;

5-26 (B) a specific description of the risk of harm  
5-27 the person evidences ~~[that may be demonstrated either by the~~  
5-28 ~~person's behavior or by evidence of severe emotional distress and~~  
5-29 ~~deterioration in the person's mental condition]~~ to the extent that  
5-30 the person cannot remain at liberty; and

5-31 (C) the specific detailed information from which  
5-32 the physician formed the opinion in Subdivision (2).

5-33 SECTION 7. Section 574.001(b), Health and Safety Code, is  
5-34 amended to read as follows:

5-35 (b) Except as provided by Subsection (f), the application  
5-36 must be filed with the county clerk in the county in which the  
5-37 proposed patient:

5-38 (1) resides;

5-39 (2) is located at the time the application is filed ~~[is~~  
5-40 ~~found];~~ ~~[or]~~

5-41 (3) was apprehended under Chapter 573; or

5-42 (4) is receiving mental health services by court order  
5-43 or under Subchapter A, Chapter 573.

5-44 SECTION 8. Sections 574.011(a) and (b), Health and Safety  
5-45 Code, are amended to read as follows:

5-46 (a) A certificate of medical examination for mental illness  
5-47 must be sworn to, dated, and signed by the examining  
5-48 physician. The certificate must include:

5-49 (1) the name and address of the examining physician;

5-50 (2) the name and address of the person examined;

5-51 (3) the date and place of the examination;

5-52 (4) a brief diagnosis of the examined person's  
5-53 physical and mental condition;

5-54 (5) the period, if any, during which the examined  
5-55 person has been under the care of the examining physician;

5-56 (6) an accurate description of the mental health  
5-57 treatment, if any, given by or administered under the direction of  
5-58 the examining physician; and

5-59 (7) the examining physician's opinion that:

5-60 (A) the examined person is a person with mental  
5-61 illness~~[+]~~ and

5-62 ~~[(B)]~~ as a result of that illness the examined  
5-63 person is:

5-64 (i) likely to cause serious harm to the  
5-65 person or to others; ~~[or is+]~~

5-66 (ii) ~~[(i)]~~ suffering severe and abnormal  
5-67 mental, emotional, or physical distress;

5-68 (iii) ~~[(ii)]~~ experiencing substantial  
5-69 mental or physical deterioration of the proposed patient's ability

6-1 to function independently, which is exhibited by the proposed  
6-2 patient's inability, except for reasons of indigence, to provide  
6-3 for the proposed patient's basic needs, including food, clothing,  
6-4 health, or safety; ~~and~~  
6-5 (iv) [~~(iii)~~] not able to make a rational  
6-6 and informed decision as to whether to submit to treatment; or  
6-7 (v) evidencing an inability to recognize  
6-8 symptoms or appreciate the risks and benefits of treatment; and  
6-9 (B) in the absence of inpatient mental health  
6-10 treatment, the examined person is likely to suffer serious risk of  
6-11 harm or to inflict serious harm on another person.

6-12 (b) The examining physician must specify in the certificate  
6-13 which criterion listed in Subsection (a)(7) [~~(a)(7)(B)~~] forms the  
6-14 basis for the physician's opinion.

6-15 SECTION 9. Sections 574.034(a) and (d), Health and Safety  
6-16 Code, are amended to read as follows:

6-17 (a) The judge may order a proposed patient to receive  
6-18 court-ordered temporary inpatient mental health services only if  
6-19 the judge or jury finds, from clear and convincing evidence, that:

6-20 (1) the proposed patient is a person with mental  
6-21 illness; and

6-22 (2) as a result of that mental illness the proposed  
6-23 patient:

6-24 (A) is likely to cause serious harm to the  
6-25 proposed patient;

6-26 (B) is likely to cause serious harm to others;  
6-27 ~~or~~

6-28 (C) is:  
6-29 (i) suffering severe and abnormal mental,  
6-30 emotional, or physical distress;

6-31 (ii) experiencing substantial mental or  
6-32 physical deterioration of the proposed patient's ability to  
6-33 function independently, which is exhibited by the proposed  
6-34 patient's inability, except for reasons of indigence, to provide  
6-35 for the proposed patient's basic needs, including food, clothing,  
6-36 health, or safety; ~~and~~

6-37 (iii) unable to make a rational and  
6-38 informed decision as to whether or not to submit to treatment; or

6-39 (iv) evidencing an inability to recognize  
6-40 symptoms or to appreciate the risks and benefits of treatment; and

6-41 (D) in the absence of court-ordered temporary  
6-42 outpatient mental health services, is likely to suffer serious risk  
6-43 of harm or to inflict serious harm on another person.

6-44 (d) To be clear and convincing under Subsection (a), the  
6-45 evidence must include expert testimony and, unless waived, evidence  
6-46 of a recent overt act or a continuing pattern of behavior that tends  
6-47 to confirm:

6-48 (1) the likelihood of serious harm to the proposed  
6-49 patient or others and ~~or~~

6-50 ~~(2)~~ the proposed patient's distress and the  
6-51 deterioration of the proposed patient's ability to function; or

6-52 (2) the proposed patient's inability to recognize  
6-53 symptoms or appreciate the risks and benefits of treatment.

6-54 SECTION 10. Sections 574.035(a) and (e), Health and Safety  
6-55 Code, are amended to read as follows:

6-56 (a) The judge may order a proposed patient to receive  
6-57 court-ordered extended inpatient mental health services only if the  
6-58 jury, or the judge if the right to a jury is waived, finds, from  
6-59 clear and convincing evidence, that:

6-60 (1) the proposed patient is a person with mental  
6-61 illness;

6-62 (2) as a result of that mental illness the proposed  
6-63 patient:

6-64 (A) is likely to cause serious harm to the  
6-65 proposed patient;

6-66 (B) is likely to cause serious harm to others;  
6-67 ~~or~~

6-68 (C) is:  
6-69 (i) suffering severe and abnormal mental,

7-1 emotional, or physical distress;  
7-2 (ii) experiencing substantial mental or  
7-3 physical deterioration of the proposed patient's ability to  
7-4 function independently, which is exhibited by the proposed  
7-5 patient's inability, except for reasons of indigence, to provide  
7-6 for the proposed patient's basic needs, including food, clothing,  
7-7 health, or safety; ~~and~~

7-8 (iii) unable to make a rational and  
7-9 informed decision as to whether or not to submit to treatment; or

7-10 (iv) evidencing an inability to recognize  
7-11 symptoms or appreciate the risks and benefits of treatment; and

7-12 (D) in the absence of court-ordered temporary  
7-13 outpatient mental health services, is likely to suffer serious risk  
7-14 of harm or to inflict serious harm on another person;

7-15 (3) the proposed patient's condition is expected to  
7-16 continue for more than 90 days; and

7-17 (4) the proposed patient has received court-ordered  
7-18 inpatient mental health services under this subtitle or under  
7-19 Chapter 46B, Code of Criminal Procedure, for at least 60  
7-20 consecutive days during the preceding 12 months.

7-21 (e) To be clear and convincing under Subsection (a), the  
7-22 evidence must include expert testimony and evidence of a recent  
7-23 overt act or a continuing pattern of behavior that tends to confirm:

7-24 (1) the likelihood of serious harm to the proposed  
7-25 patient or others ~~and~~ ~~[, or~~

7-26 ~~[(2)]~~ the proposed patient's distress and the  
7-27 deterioration of the proposed patient's ability to function; or

7-28 (2) the proposed patient's inability to recognize  
7-29 symptoms or appreciate the risks and benefits of treatment.

7-30 SECTION 11. Section 574.064(a-1), Health and Safety Code,  
7-31 is amended to read as follows:

7-32 (a-1) A physician shall evaluate the patient as soon as  
7-33 possible within 24 hours after the time detention begins to  
7-34 determine whether the patient, due to mental illness:

7-35 (1) ~~[, ]~~ presents a substantial risk of serious harm to  
7-36 the patient or others;

7-37 (2) evidences severe emotional distress and  
7-38 deterioration in the person's mental condition;

7-39 (3) evidences an inability to recognize symptoms or  
7-40 appreciate the risks and benefits of treatment; and

7-41 (4) is likely without immediate detention to suffer  
7-42 serious risk of harm or to inflict serious harm on another person to  
7-43 the extent ~~[so]~~ that the patient cannot be at liberty pending the  
7-44 probable cause hearing under Subsection (b). ~~[The determination~~  
7-45 ~~that the patient presents a substantial risk of serious harm to the~~  
7-46 ~~patient or others may be demonstrated by:~~

7-47 ~~[(1) the patient's behavior; or~~

7-48 ~~[(2) evidence of severe emotional distress and~~  
7-49 ~~deterioration in the patient's mental condition to the extent that~~  
7-50 ~~the patient cannot live safely in the community.]~~

7-51 SECTION 12. The following provisions of the Health and  
7-52 Safety Code are repealed:

7-53 (1) Section 573.001(b);

7-54 (2) Section 573.003(b); and

7-55 (3) Section 573.012(c).

7-56 SECTION 13. Chapter 573, Health and Safety Code, as amended  
7-57 by this Act, applies only to an emergency detention that begins on  
7-58 or after the effective date of this Act. An emergency detention  
7-59 that begins before the effective date of this Act is governed by the  
7-60 law as it existed immediately before the effective date of this Act,  
7-61 and that law is continued in effect for that purpose.

7-62 SECTION 14. Chapter 574, Health and Safety Code, as amended  
7-63 by this Act, applies only to an application or proceeding for  
7-64 court-ordered mental health services submitted or that occurs on or  
7-65 after the effective date of this Act, regardless of when an offense  
7-66 with which the defendant is charged was committed.

7-67 SECTION 15. This Act takes effect September 1, 2025.

7-68

\* \* \* \* \*