

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

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

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

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

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

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

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

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

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

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

DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

THE STATE OF TEXAS

FOR THE BEST INTEREST AND PROTECTION OF:

DOB: \_\_\_\_\_ RACE: \_\_\_\_\_ GENDER: \_\_\_\_\_

PHONE NUMBER: \_\_\_\_\_ ADDRESS: \_\_\_\_\_

NOTIFICATION OF EMERGENCY DETENTION

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

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

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

CHILD 17 YEARS OF AGE OR YOUNGER? ☐ YES ☐ NO If yes, age: \_\_\_\_\_

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 <u>Harm to self</u>				
3-26 <u>or stating an</u>				
3-27 <u>intention to</u>				
3-28 <u>harm self?</u>				
3-29 <u>Previous</u>				
3-30 <u>attempt to</u>				
3-31 <u>commit</u>				
3-32 <u>suicide?</u>				
3-33 <u>Harm to</u>				
3-34 <u>others or</u>				
3-35 <u>stating an</u>				
3-36 <u>intention to</u>				
3-37 <u>harm others?</u>				
3-38 <u>Previous</u>				
3-39 <u>serious harm</u>				
3-40 <u>or injury to</u>				
3-41 <u>others?</u>				
3-42 <u>Previous</u>				
3-43 <u>psychiatric</u>				
3-44 <u>hospital</u>				
3-45 <u>treatment?</u>				
3-46 <u>Reported</u>				
3-47 <u>mental health</u>				
3-48 <u>diagnosis?</u>				
3-49 <u>Prescribed</u>				
3-50 <u>psychiatric</u>				
3-51 <u>medications?</u>				
3-52 <u>Current</u>				
3-53 <u>psychiatric</u>				
3-54 <u>medications</u>				
3-55 <u>taken?</u>				
3-56 <u>Sleeping</u>				
3-57 <u>difficulty?</u>				
3-58 <u>Substance use</u>				
3-59 <u>disorder?</u>				
3-60 <u>TRANSPORTED TO:</u>				
3-61 <u><input type="checkbox"/> Hospital/Emergency Room <input type="checkbox"/> Mental Health Facility</u>				
3-62 <u><input type="checkbox"/> Other _____</u>				
3-63 <u>For the above reasons, I present this notification to seek</u>				
3-64 <u>temporary admission to the (name of facility)</u>				
3-65 <u>_____ inpatient mental health facility or</u>				
3-66 <u>hospital facility for the detention of (name of person to be</u>				
3-67 <u>detained) _____ on an emergency basis.</u>				
3-68 <u>[6. Was the person restrained in any way? Yes <input type="checkbox"/> No <input type="checkbox"/></u>				
3-69 <u>PEACE OFFICER'S PRINTED NAME: _____</u>				

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.

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

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

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

(A) the person is a person with mental illness and because of that mental illness ~~[+]~~

~~[(B)]~~ the person evidences:

(i) a substantial risk of serious harm to the person or to others;

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

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

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

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

(3) includes:

(A) a description of the nature of the person's mental illness;

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

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

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

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

(1) resides;

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

(3) was apprehended under Chapter 573; or

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

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

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

(1) the name and address of the examining physician;

(2) the name and address of the person examined;

(3) the date and place of the examination;

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

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

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

(7) the examining physician's opinion that:

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

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

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

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

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



to function independently, which is exhibited by the proposed patient's inability, except for reasons of indigence, to provide for the proposed patient's basic needs, including food, clothing, health, or safety; ~~and~~

(iv) ~~[(iii)]~~ not able to make a rational and informed decision as to whether to submit to treatment; or

(v) evidencing an inability to recognize symptoms or appreciate the risks and benefits of treatment; and

(B) in the absence of inpatient mental health treatment, the examined person is likely to suffer serious risk of harm or to inflict serious harm on another person.

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

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

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

(1) the proposed patient is a person with mental illness; and

(2) as a result of that mental illness the proposed patient:

(A) is likely to cause serious harm to the proposed patient;

(B) is likely to cause serious harm to others; ~~[or]~~

(C) is:  
(i) suffering severe and abnormal mental, emotional, or physical distress;

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

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

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

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

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

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

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

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

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

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

(1) the proposed patient is a person with mental illness;

(2) as a result of that mental illness the proposed patient:

(A) is likely to cause serious harm to the proposed patient;

(B) is likely to cause serious harm to others; ~~[or]~~

(C) is:  
(i) suffering severe and abnormal mental,

emotional, or physical distress;

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

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

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

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

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

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

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

(1) the likelihood of serious harm to the proposed patient or others and ~~[-or]~~

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

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

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

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

(1) [✓] presents a substantial risk of serious harm to the patient or others;

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

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

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

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

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

SECTION 12. The following provisions of the Health and Safety Code are repealed:

(1) Section 573.001(b);

(2) Section 573.003(b); and

(3) Section 573.012(c).

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

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

SECTION 15. This Act takes effect September 1, 2025.

\* \* \* \* \*