CHAPTER 318

H.B. No. 1738

AN ACT
relating to the emergency detention by a peace officer of a person who may have mental illness, including information provided to the person subject to detention and a standard form of notification of detention to be provided to a facility by a peace officer.

Be it enacted by the Legislature of the State of Texas:

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

(g) A peace officer who takes a person into custody under Subsection (a) shall immediately inform the person orally in simple, nontechnical terms:

(1) of the reason for the detention; and

(2) that a staff member of the facility will inform the person of the person’s rights within 24 hours after the time the person is admitted to a facility, as provided by Section 573.025(b).

SECTION 2. Section 573.002, Health and Safety Code, is amended to read as follows:

Sec. 573.002. PEACE OFFICER’S NOTIFICATION OF [APPLICATION FOR] DETENTION. (a) A peace officer shall immediately file with a facility a notification of [an application for] detention after transporting a person to that facility in accordance with [under] Section 573.001.

(b) The notification of [application for] detention must contain:

(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 [himself 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;

(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;

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

(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 detention described by this section.

(d) The peace officer shall give the notification of detention on the following form:

Notification—Emergency Detention NO. __________________

DATE: __________ TIME: ______________

THE STATE OF TEXAS

FOR THE BEST INTEREST AND PROTECTION OF:

__________________________

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 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.

4. My beliefs are based upon the following recent behavior, overt acts, attempts, statements, or threats observed by me or reliably reported to me:

5. The names, addresses, 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):

For the above reasons, I present this notification to seek temporary admission to the (name of facility) _______________ inpatient mental health facility or hospital facility for the detention of (name of person to be detained) _______________ on an emergency basis.

6. Was the person restrained in any way? Yes □ No □

PEACE OFFICER'S SIGNATURE

BADGE NO. ____________________________

Address: ____________________________ Zip Code: ____________________________

Telephone: ____________________________

A mental health facility or hospital emergency department may not require a peace officer to execute any form other than this form as a predicate to accepting for temporary admission a person detained under Section 573.001, Texas Health and Safety Code.

(e) A mental health facility or hospital emergency department may not require a peace officer to execute any form other than the form provided by Subsection (d) as a predicate to accepting for temporary admission a person detained under Section 573.001.

SECTION 3. Section 573.021(a), Health and Safety Code, is amended to read as follows:

(a) A facility shall temporarily accept a person for whom an application for detention is filed or for whom a peace officer files a notification of detention under Section 573.002(a).

SECTION 4. Section 573.025, Health and Safety Code, is amended to read as follows:

Sec. 573.025. RIGHTS OF PERSONS APPREHENDED, DETAINED, OR TRANSPORTED FOR EMERGENCY DETENTION. (a) A person apprehended, detained, or transported for emergency detention under this chapter has the right:

(1) to be advised of the location of detention, the reasons for the detention, and the fact that the detention could result in a longer period of involuntary commitment;

(2) to a reasonable opportunity to communicate with and retain an attorney;

(3) to be transported to a location as provided by Section 573.024 if the person is not admitted for emergency detention, unless the person is arrested or objects;

(4) to be released from a facility as provided by Section 573.023;

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(5) to be advised that communications with a mental health professional may be used in proceedings for further detention; and

(6) to be transported in accordance with Sections 573.026 and 574.045, if the person is detained under Section 573.022 or transported under an order of protective custody under Section 574.023; and

(7) to a reasonable opportunity to communicate with a relative or other responsible person who has a proper interest in the person’s welfare.

(b) A person apprehended, detained, or transported for emergency detention under this subtitle shall be informed of the rights provided by this section and this subtitle:

(1) orally in simple, nontechnical terms, within 24 hours after the time the person is admitted to a facility, and in writing in the person’s primary language if possible; or

(2) through the use of a means reasonably calculated to communicate with a hearing or visually impaired person, if applicable.

(c) The executive commissioner of the Health and Human Services Commission by rule shall prescribe the manner in which the person is informed of the person’s rights under this section and this subtitle.

SECTION 5. This Act takes effect September 1, 2013.

Passed by the House on April 11, 2013: Yeas 144, Nays 0, 2 present, not voting; the House concurred in Senate amendments to H.B. No. 1738 on May 16, 2013: Yeas 143, Nays 1, 2 present, not voting; passed by the Senate, with amendments, on May 13, 2013: Yeas 31, Nays 0.

Approved June 14, 2013.

Effective September 1, 2013.

CHAPTER 319

H.B. No. 1753

AN ACT

relating to authorizing the board of regents of The University of Texas System to acquire certain property in the city of Arlington.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. The board of regents of The University of Texas System may acquire by purchase, exchange, gift, or otherwise, for campus expansion and other university purposes of The University of Texas at Arlington, all or part of the property in the city of Arlington, Tarrant County, Texas, that is included within the area with the boundaries specifically described as follows:

BEGINNING at the corner of E. 3rd Street and South Center Street;

THENCE South along South Center Street to the intersection of South Center Street and East Mitchell Street;

THENCE East along East Mitchell Street to the intersection of East Mitchell Street and South Mesquite Street;

THENCE North along South Mesquite Street to the intersection of South Mesquite Street and E. 3rd Street;

THENCE West along E. 3rd Street to the beginning intersection at the corner of E. 3rd Street and South Center Street.

SECTION 2. The title to the property shall be taken in the name of the board of regents of The University of Texas System and shall be subject to the control and management of the board in the manner and to the extent that the property now owned by The University of Texas System in fee simple is held and controlled.