

## **BILL ANALYSIS**

Senate Research Center  
85R2248 GCB-F

S.B. 344  
By: West  
Health & Human Services  
3/24/2017  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Currently, when a peace officer takes a person into custody without a warrant under Section 573.001, Health and Safety Code, because the officer believes the person has a mental illness and presents a danger to themselves or others, that officer must transport the person to a mental health facility. Interested parties believe that permitting emergency services personnel to transport that person to such a facility would better serve public health by providing a more appropriate means of transport, and could also enhance public safety by permitting law enforcement personnel to resume their duties more quickly.

As filed, S.B. 344 allows an officer to transfer a person detained in this manner to a licensed paramedic for transport to an appropriate medical facility. The paramedic's acceptance of the person for transfer is permissive. The existing notification of detention that officers file with a facility upon transport would still be completed by the officer, but would be filed at the facility by a paramedic who has accepted transfer.

As proposed, S.B. 344 amends current law relating to the authority of a licensed paramedic to transport a person for emergency detention.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 573.001(d), Health and Safety Code, as follows:

(d) Requires a peace officer who takes a person into custody under Subsection (a) (relating to apprehension by peace officer without a warrant) to immediately:

(1) creates this subdivision from existing text and makes no further changes to this subdivision.

(A) creates this paragraph from existing text and makes no further changes to this paragraph; or

(B) creates this paragraph from existing text and makes no further changes to this paragraph; or

(2) transfer the apprehended person to a licensed paramedic in accordance with Section 573.005 to transport to a facility described by Subdivision (1)(A) or (B).

SECTION 2. Amends Sections 573.002(a), (d), and (e), Health and Safety Code, as follows:

(a) Requires a licensed paramedic who transports a person to a facility at the request of a peace officer under Section 573.005 to immediately file with the facility the notification of detention completed by the peace officer who made the request.

(d) Requires the peace officer to provide, rather than give, the notification of detention on a certain form and sets forth the text of the form. Prohibits a mental health facility or hospital emergency department from requiring a peace officer or licensed paramedic to execute any form other than this form as a predicate to accepting for temporary admission a person detained by a peace officer under Section 573.001 and transported by the officer or paramedic under Section 573.005.

(e) Prohibits a mental health facility or hospital emergency department from requiring a peace officer or licensed paramedic to execute any form other than the one provided by Subsection (d) as a predicate to accepting for temporary admission a person detained by a peace officer under Section 573.001, Health and Safety Code, and transported by the officer or by a paramedic at the request of the officer under Section 573.005, Health and Safety Code.

SECTION 3. Amends Subchapter A, Chapter 573, Health and Safety Code, by adding Section 573.005, as follows:

Sec. 573.005. TRANSPORTATION FOR EMERGENCY DETENTION BY LICENSED PARAMEDIC. (a) Authorizes a peace officer to request a licensed paramedic to transport a person taken into custody under Section 573.001 only if the officer determines transferring the person to the paramedic for transport is safe for the person and the paramedic.

(b) Authorizes a licensed paramedic, at the request of a peace officer, to transport a person taken into custody under Section 573.001 to the appropriate facility.

(c) Requires a peace officer who transfers a person to a licensed paramedic to be transported to the appropriate facility to provide to the person the notice described by Section 573.001(g), and to the paramedic a completed notification of detention on the form provided by Section 573.002(d).

SECTION 4. Amends Section 573.021(a), Health and Safety Code, to require a facility to temporarily accept a person for whom an application for detention is filed or for whom a peace officer or licensed paramedic files a notification of detention completed by the peace officer under Section 573.002(a).

SECTION 5. Effective date: upon passage or September 1, 2017.