

BILL ANALYSIS

S.B. 1129
By: Zaffirini
Human Services
Committee Report (Unamended)

BACKGROUND AND PURPOSE

While law enforcement officers receive restraint training relating to persons under emergency detention, current law does not adequately prohibit certain restraining techniques that severely limit mobility, such as hog-tying, which can be dangerous and can cause health issues and even death from positional asphyxiation. While restraints can be helpful when subduing a patient during a mental health emergency, concerned parties believe that the patient should not be physically restrained unless necessary to protect their health and safety and assert that it is imperative that best practices be implemented when using restraints. S.B. 1129 seeks to ensure the safety of persons experiencing mental health issues by addressing the restraint techniques used during the transportation of such persons.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 1129 amends the Health and Safety Code to specify that a patient committed to a mental health facility for emergency detention or detained and taken into custody for transport to a suitable mental health facility under a protective custody order who is being transported to a designated mental health facility may be physically restrained, when necessary to protect the health and safety of the patient or of a person traveling with the patient, only during the apprehension, detention, or transportation of the patient. The bill requires the method of restraint to permit the patient to sit in an upright position without undue difficulty unless the patient is being transported by ambulance.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.