

BILL ANALYSIS

Senate Research Center
77R5078 SMJ-D

S.B. 432
By: Carona
Health & Human Services
2/1/2001
As Filed

DIGEST AND PURPOSE

Currently, an order of protective custody is necessary to transfer a person who has been admitted under emergency detention from a county mental health facility to a facility of the single portal authority or an appropriate inpatient mental health facility. As proposed, S.B. 432 sets forth the requirements under which a person who has been admitted to a county mental health facility for court ordered mental health services may be detained in custody or transferred to an appropriate mental health facility.

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 Chapter 573C, Health and Safety Code, by adding Section 573.0215, as follows:

Sec. 573.0215. DETENTION AT COUNTY MENTAL HEALTH FACILITY. Authorizes a person admitted to a county mental health facility for mental health services to be detained in custody if certain conditions are met. Prohibits a person from being detained for longer than 24 hours after the time the person enters a county mental health facility, unless a written order for further detention is obtained. Sets forth specific instances and conditions to authorize detaining a person beyond the original 24 hour period. Authorizes a county mental health facility to transport a person detained under this section to certain facilities. Provides that the time limits described by Subsection (b) are not affected by transporting the person under Subsection (c).

SECTION 2. Amends Section 573.022, Health and Safety Code, to delete wording relating to the transportation of a person admitted to a county mental health facility for emergency detention.

SECTION 3. Amends Section 573.025(a), Health and Safety Code, to provide that a person apprehended or detained under this chapter has the right to be transported in accordance with Section 573.026 or, rather than and, 574.045, if the person is detained under Section 573.0215 or 573.022 or is transported under an order of protective custody under Section 574.023.

SECTION 4. Effective date: upon passage or September 1, 2001.