

BILL ANALYSIS

Senate Research Center
80R1940 CAE-D

S.B. 261
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Health & Human Services
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current Texas law requires that the local mental health authority ensure that 24-hour emergency screening services, rapid crisis stabilization services, community-based crisis residential services, or hospitalization services are available in each service area. It requires that local mental health authorities maintain short-term detention facilities as the appropriate alternative to incarcerating persons with mental illness. Jails too often serve as holding facilities for persons with mental illness who have not been charged with a crime. While these persons await transportation to a state hospital, they generally have little or no access to mental health services, allowing their conditions to deteriorate further. These individuals are sometimes transported in restraints and in positions that compromise their physical safety.

As proposed, S.B. 261 limits the detention of persons with mental illness. This bill requires the maintenance of short-term detention facilities and prohibits the use of certain forms of restraint.

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 Sections 573.001(e) and (f), Health and Safety Code, as follows:

(e) Prohibits a jail or nonmedical facility from being deemed suitable for detention of a person taken into custody under this section unless certain suitable facilities are unavailable and the nearest hospital emergency room or other facility determined by the local mental health authority to be suitable is more than 75 miles from the location where the peace officer has custody of the person. Prohibits a person from being detained in a jail or nonmedical facility under this subsection for more than 12 hours. Sets forth certain documentation required by the sheriff or other officeholder responsible for the facility.

(f) Requires a sheriff or other officeholder responsible for the facility to ensure that a person detained in the facility is kept separate from any person who is charged with or convicted of a crime.

SECTION 2. Amends Section 573.012, Health and Safety Code, by adding Subsections (h) and (i), to make conforming changes.

SECTION 3. Amends Section 574.023, Health and Safety Code, by adding Subsection (e), to authorize the detention of a person taken into custody under this section in the manner provided by Section 574.027.

SECTION 4. Amends Section 574.027, Health and Safety Code, by amending Subsections (c) and (d) and adding Subsection (c-1), as follows:

(c) Makes conforming changes. Deletes existing text making an exception for an extreme emergency, and to require that the person is isolated from any person charged with or convicted of a crime.

(c-1) Makes conforming changes.

(d) Makes conforming changes.

SECTION 5. Amends Section 574.045, Health and Safety Code, by adding Subsection (1) to authorize restraining a patient only during apprehension, detention, or transportation. Requires the method of restraint to allow the patient to sit upright without difficulty.

SECTION 6. Effective date: upon passage or September 1, 2007.