

BILL ANALYSIS

Senate Research Center
79R9520 UM-D

S.B. 1305
By: Brimer
Criminal Justice
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As Filed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Currently, the maximum duration of emergency treatment before a judicial hearing regarding a patient's mental health is 24 hours. If a patient is released without a thorough evaluation, the potential exists for harm to be caused. As proposed, S.B. 1305 extends the maximum time a person is authorized to be detained in custody for a preliminary examination to 72 hours. The time extension would allow the acute care unit more time to stabilize a detained patient.

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 573.021(b), Health and Safety Code, to increase the amount of time a person is authorized to be held for the purposes of a preliminary examination during emergency detention to a maximum of 72 hours, rather than 24 hours, unless a written order for further detention is obtained.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2005.