

# 89th Texas Legislative Update



## **SB 1164 (Sen. Zaffirini) / HB 5463 (Rep. Moody)**

### **Emergency Detention**

#### **Update the Law Enforcement Emergency Detention Form**

- This law improves the form required by Health and Safety Code § 573.002(d) for peace officers carrying out emergency detentions without a warrant. The previous form lacked prompts to elicit some of the necessary information.
- The modifications add language to reflect the new capacity standard and areas for officers to explain the bases for affirmative declarations of evidence of mental illness, substantial risk of harm, and the need for temporary restraint.

#### **Clarify a Peace Officer's duties in an Emergency Detention at a Facility**

- Currently, when a peace officer presents an individual at a facility for an emergency detention authorized by warrant, the peace officer may then return to their community duties.
- To make the two provisions consistent, this amendment adds subsection (f) to § 573.002 to state that a peace officer has no duty to remain at a facility or an emergency room once the officer presents a person for emergency mental health services under an Apprehension by a Peace Officer Without a Warrant and completes the required documentation. This language largely parallels the 2023 addition of § 573.012(d-1).

### **Court-Ordered Mental Health Services**

#### **Clarify Court-Ordered Mental Health Services Venue Law**

- This amendment to Health and Safety Code § 574.001(b) clarifies the appropriate venue for filing an application for court-ordered mental health services and order of protective custody.
- This adjustment clarifies that venue is proper in the county where the proposed patient resides, is located at the time the application is filed, was apprehended under Chapter 573, or is receiving mental health services by court order.

## Clarify Capacity Standard for Civil Commitment

- This amends provisions of Health and Safety Code § 573 to improve access to mental health care through emergency detentions when a person has anosognosia, a neurological condition that causes people to be unaware of their psychiatric condition and can be diagnosed in connection with psychotic disorders, including schizophrenia and bipolar disorder.