



Texas Judicial Commission on Mental Health Legislative Summary of SB 2479

SEN. JUDITH ZAFFIRINI / REP. JOE MOODY

Relating to procedures regarding certain persons who are or may be persons with a mental illness or intellectual disability.

Section 1: (1) Allows Electronic Application for Emergency Detention Warrants by both Physicians and Licensed Mental Health Professionals Employed a LMHA

Issue: Previous law only allowed physicians to electronically request a warrant from a judge for an emergency mental health detention under Texas Health and Safety Code section 573.012. In less populated areas, a physician is often not available to electronically request a detention when an emergency detention warrant is needed.

SB 2479: This amendment permits licensed mental health professionals who are employed by the Local Mental Health Authority to electronically make the request.

(2) Permits use of Article 16.22 Procedures for Class C Misdemeanors

Issue: CCP art. 16.22 previously mandated an interview & report only for individuals charged with a Class B misdemeanor or higher who are suspected of having a mental illness or intellectual disability.

Courts hearing Class C offenses often first see people with severe mental illness in the justice and municipal courts before their mental health deteriorates to a point where the individual is arrested on a higher-level misdemeanor or felony offense.

SB 2479: Amends Texas Code of Criminal Procedure article 16.22 to allow for the inclusion of Class C misdemeanors in the early identification process.

The aim of this law is to give the judges who frequently interact with this population of defendants the tools to identify potential issues and connect these individuals to mental health services. This law will give the judge the additional discretion to order a 16.22 interview and report on persons charged with Class C misdemeanors.

Section 2: Harmonizes Mental Health Personal Bonds with Recent Amendments

Issue: S.B. 6 (87th Leg., Second Called Session, (2021)) limited certain offenses from personal bond pursuant to Texas Code of Criminal Procedure article 17.03 and inadvertently created a conflict between offenses that permit release on personal bond in Texas Code of Criminal Procedure article 17.032.

SB2479: Amends Texas Code of Criminal Procedure article 17.03 to reconcile the conflicts created in regard to offenses that are eligible for personal bonds and offenses that allow for a mental health personal bond.

This law resolves the conflict and allows for the clear resumption of the release of individuals who are charged with certain non-violent offenses and are eligible for a mental health personal bond.

Section 3: Clarifies a Law Enforcement Officer's Duties Upon Presenting an Individual for Mental Health Services

Issue: Law enforcement officers often need to wait while the individual they have transported for emergency mental health services is medically screened or treated before they can leave the healthcare facility or emergency room.

SB 2479: This amendment to Texas Health and Safety Code section 573.012 clarifies that a law enforcement officer does not have a duty to remain at a healthcare facility or emergency room once the officer responsibly delivers an individual under a warrant for emergency detention.

Section 4: Allows Blood Draws for Patients Receiving Court-Ordered Medication

Issue: Medical personnel need to monitor the medication levels of patients who are receiving involuntary medications to determine whether the dosage is appropriate when patients are unable or unwilling to consent to the procedure. Currently, two separate orders are required.

SB 2479: This amendment to Texas Health and Safety Code section 574.106 permits blood draws for patients who already are subject to an order for involuntary psychoactive medications. Such care is medically necessary to monitor medication levels and determine whether the medications need adjustment.