A BILL TO BE ENTITLED

AN ACT
relating to emergency apprehension and detention of a person
believed to have a mental illness.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 573.001, Health and Safety Code, is
amended by adding Subsections (g) and (h) to read as follows:

(g) A peace officer shall take a person into custody and
transport that person as provided by Subsection (d) if a physician
represents to the officer that:

(1) the physician examined the person during the
preceding 24 hours; and

(2) based on the examination, the physician concludes
that the person is mentally ill and that, as demonstrated by the
person's behavior or by evidence of severe emotional distress and
deterioration in the person's mental condition, because of that
mental illness there is a substantial risk of serious harm to the
person or to others unless the person is immediately restrained.

(h) A physician shall provide to the peace officer the
physician's specific description of the risk of harm and a detailed
description of the specific relevant behavior, acts, attempts, or
threats by the person to be transported.

SECTION 2. Subchapter A, Chapter 573, Health and Safety
Code, is amended by adding Section 573.005 to read as follows:

Sec. 573.005. TRANSPORTATION AND APPLICATION FOR EMERGENCY
DETENTION BY PHYSICIAN. (a) A physician without the assistance of
a peace officer may transport or order the transportation of a
person to an inpatient mental health facility for a preliminary
examination in accordance with Section 573.021 if:

(1) the physician examined the person during the
preceding 24 hours; and

(2) based on the examination, the physician concludes
that the person is mentally ill and that, as demonstrated by the
person's behavior or by evidence of severe emotional distress and
deterioration in the person's mental condition, because of that
mental illness there is a substantial risk of serious harm to the
person or to others unless the person is immediately restrained.

(b) After transporting or ordering the transportation of a
person to a facility under this section, the physician immediately
shall file an application for detention with the facility.

(c) The application for detention must contain a statement
that:

(1) the physician examined the person during the
preceding 24 hours;

(2) based on the examination, the physician concludes
that the person is mentally ill and that, as demonstrated by the
person's behavior or by evidence of severe emotional distress and
deterioration in the person's mental condition, because of that
mental illness there is a substantial risk of serious harm to the
person or to others unless the person is immediately restrained;
and

(3) provides a specific description of the risk of
harm and a detailed description of the specific relevant behavior, acts, attempts, or threats by the person to be detained.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2007.