

1-1 By: Hinojosa S.B. No. 1433
1-2 (In the Senate - Filed March 2, 2023; March 16, 2023, read
1-3 first time and referred to Committee on Criminal Justice;
1-4 April 20, 2023, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 7, Nays 0; April 20, 2023,
1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Whitmire	X		
1-10	Flores	X		
1-11	Bettencourt	X		
1-12	Hinojosa	X		
1-13	Huffman	X		
1-14	King	X		
1-15	Miles	X		

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 1433 By: Flores

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to procedures for the emergency detention of certain
1-20 persons with mental illness.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 573.001(a), Health and Safety Code, is
1-23 amended to read as follows:

1-24 (a) A peace officer, without a warrant, may take a person
1-25 into custody, regardless of the age or location of the person, if
1-26 the officer:

1-27 (1) has reason to believe and does believe that:

1-28 (A) the person is a person with mental illness;

1-29 and

1-30 (B) because of that mental illness there is a
1-31 substantial risk of serious harm to the person or to others unless
1-32 the person is immediately restrained; and

1-33 (2) believes that there is not sufficient time to
1-34 obtain a warrant before taking the person into custody.

1-35 SECTION 2. Section 573.012, Health and Safety Code, is
1-36 amended by amending Subsections (a), (e), and (h) and adding
1-37 Subsection (h-2) to read as follows:

1-38 (a) Except as provided by Subsection (h), an applicant for
1-39 emergency detention must present the application personally to a
1-40 judge or magistrate. The judge or magistrate shall examine the
1-41 application and may interview the applicant. Except as provided by
1-42 Subsections [Subsection] (g) and (h), the judge of a court with
1-43 probate jurisdiction by administrative order may provide that the
1-44 application must be:

1-45 (1) presented personally to the court; or

1-46 (2) retained by court staff and presented to another
1-47 judge or magistrate as soon as is practicable if the judge of the
1-48 court is not available at the time the application is presented.

1-49 (e) A person apprehended under this section who is not
1-50 physically located in a mental health facility at the time the
1-51 warrant is issued under Subsection (h-1) shall be transported for a
1-52 preliminary examination in accordance with Section 573.021 to:

1-53 (1) the nearest appropriate inpatient mental health
1-54 facility; or

1-55 (2) a mental health facility deemed suitable by the
1-56 local mental health authority, if an appropriate inpatient mental
1-57 health facility is not available.

1-58 (h) A judge or magistrate shall ~~may~~ permit an applicant
1-59 who is a physician to present an application by:

1-60 (1) e-mail with the application attached as a secure

2-1 document in a portable document format (PDF); or
 2-2 (2) another secure electronic means, including:
 2-3 (A) satellite transmission;
 2-4 (B) closed-circuit television transmission; or
 2-5 (C) any other method of two-way electronic
 2-6 communication that:
 2-7 (i) is secure;
 2-8 (ii) is available to the judge or
 2-9 magistrate; and
 2-10 (iii) provides for a simultaneous,
 2-11 compressed full-motion video and interactive communication of
 2-12 image and sound between the judge or magistrate and the applicant.

2-13 (h-2) If a judge or magistrate transmits a warrant under
 2-14 Subsection (h-1) for the detention of a person who is physically
 2-15 located in a facility at the time the application is presented under
 2-16 Subsection (h), the facility may detain the person to perform a
 2-17 preliminary examination in accordance with Section 573.021.

2-18 SECTION 3. The changes in law made by this Act apply to an
 2-19 emergency detention under Chapter 573, Health and Safety Code, that
 2-20 begins on or after the effective date of this Act. An emergency
 2-21 detention under Chapter 573, Health and Safety Code, that begins
 2-22 before the effective date of this Act is governed by the law as it
 2-23 existed immediately before that date, and that law is continued in
 2-24 effect for that purpose.

2-25 SECTION 4. This Act takes effect September 1, 2023.

2-26 * * * * *