

1-1 By: Guillen (Senate Sponsor - Zaffirini) H.B. No. 171
1-2 (In the Senate - Received from the House April 28, 2025;
1-3 April 29, 2025, read first time and referred to Committee on
1-4 Criminal Justice; May 21, 2025, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 6, Nays 0;
1-6 May 21, 2025, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13			X	
1-14	X			
1-15	X			

1-16 COMMITTEE SUBSTITUTE FOR H.B. No. 171 By: Flores

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

1-19 relating to the certificate of medical examination for chemical
1-20 dependency and the duration of court-ordered treatment for a person
1-21 with a chemical dependency.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. This Act may be cited as the Anell Borrego Act.

1-24 SECTION 2. Section 462.001, Health and Safety Code, is
1-25 amended by adding Subdivision (4) to read as follows:

1-26 (4) "Commission" means the Health and Human Services
1-27 Commission.

1-28 SECTION 3. Section 462.064(c), Health and Safety Code, is
1-29 amended to read as follows:

1-30 (c) A certificate must be dated and signed by the examining
1-31 physician. The certificate must include:

1-32 (1) the name and address of the examining physician;

1-33 (2) the name and address of the proposed patient;

1-34 (3) the date and place of the examination;

1-35 (4) the period, if any, during which the proposed
1-36 patient has been under the care of the examining physician;

1-37 (5) an accurate description of the treatment, if any,
1-38 given by or administered under the direction of the examining
1-39 physician; and

1-40 (6) the examining physician's opinion stating
1-41 [opinions whether] the proposed patient is a person with a chemical
1-42 dependency and, as a result of that chemical dependency:

1-43 (A) is likely to cause serious harm to the
1-44 person;

1-45 (B) is likely to cause serious harm to others; or

1-46 (C) will continue to suffer abnormal mental,
1-47 emotional, or physical distress and to deteriorate in ability to
1-48 function independently if not treated and is unable to make a
1-49 rational and informed choice as to whether or not to submit to
1-50 treatment.

1-51 SECTION 4. Section 462.069(a), Health and Safety Code, is
1-52 amended to read as follows:

1-53 (a) Except as provided by Section 462.080(b), the [The]
1-54 court shall commit the proposed patient to a treatment facility
1-55 approved by the commission [department] to accept court commitments
1-56 for at least 30 days but not more than 90 days if:

1-57 (1) the proposed patient admits the allegations of the
1-58 application; or

1-59 (2) at the hearing on the merits, the court or jury
1-60 finds that the material allegations in the application have been

2-1 proved by clear and convincing evidence.

2-2 SECTION 5. Section 462.075(f), Health and Safety Code, is
2-3 amended to read as follows:

2-4 (f) Except as provided by Section 462.080(b), the [The]
2-5 court shall commit the proposed patient to a treatment facility
2-6 approved by the commission [department] to accept commitments for
2-7 at least 30 days but not more than 90 days if:

2-8 (1) the proposed patient admits the allegations of the
2-9 application; or

2-10 (2) at the hearing on the merits, the court or jury
2-11 finds that the material allegations in the application have been
2-12 proved by clear and convincing evidence.

2-13 SECTION 6. Section 462.080(b), Health and Safety Code, is
2-14 amended to read as follows:

2-15 (b) The administrator may discharge a patient before the
2-16 court order expires if the administrator or physician treating the
2-17 patient determines that the patient no longer meets the criteria
2-18 for court-ordered treatment.

2-19 SECTION 7. Sections 462.081(a) and (d), Health and Safety
2-20 Code, are amended to read as follows:

2-21 (a) Except as provided by Section 462.080(b), the [The]
2-22 judge of a court with jurisdiction of misdemeanor cases may remand
2-23 the defendant to a treatment facility approved by the commission
2-24 [department] to accept court commitments for care and treatment for
2-25 at least 30 days but not more than 90 days, instead of incarceration
2-26 or fine, if:

2-27 (1) the court or a jury has found the defendant guilty
2-28 of an offense classified as a Class A or B misdemeanor;

2-29 (2) the court finds that the offense resulted from or
2-30 was related to the defendant's chemical dependency;

2-31 (3) a treatment facility approved by the commission
2-32 [department] is available to treat the defendant; and

2-33 (4) the treatment facility agrees in writing to admit
2-34 the defendant under this section.

2-35 (d) Except as provided by Section 462.080(b), a [A] juvenile
2-36 court may remand a child to a treatment facility for care and
2-37 treatment for at least 30 days but not more than 90 days after the
2-38 date on which the child is remanded if:

2-39 (1) the court finds that the child has engaged in
2-40 delinquent conduct or conduct indicating a need for supervision and
2-41 that the conduct resulted from or was related to the child's
2-42 chemical dependency;

2-43 (2) a treatment facility approved by the commission
2-44 [department] to accept court commitments is available to treat the
2-45 child; and

2-46 (3) the facility agrees in writing to receive the
2-47 child under this section.

2-48 SECTION 8. The changes in law made by this Act apply only to
2-49 an application for court-ordered treatment for chemical dependency
2-50 that is filed on or after the effective date of this Act. An
2-51 application that is filed before the effective date of this Act is
2-52 governed by the law as it existed immediately before that date, and
2-53 that law is continued in effect for that purpose.

2-54 SECTION 9. This Act takes effect September 1, 2025.

2-55 * * * * *