

By: Simmons

H.B. No. 1942

A BILL TO BE ENTITLED

AN ACT

relating to judicial authority to issue orders allowing minors to consent to abortions and disclosure of that authority.

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

SECTION 1. Section 33.003, Family Code, is amended by adding Subsections (b-1) and (1-1) and amending Subsection (1) to read as follows:

(b-1) Only a judge elected or appointed to the court in which an application is filed under this section may hear and rule on the application.

(1) Except as provided by Subsection (1-1), an [An] order of the court issued under this section is confidential and privileged and is not subject to disclosure under Chapter 552, Government Code, or discovery, subpoena, or other legal process. The order may not be released to any person but the pregnant minor, the pregnant minor's guardian ad litem, the pregnant minor's attorney, another person designated to receive the order by the minor, or a governmental agency or attorney in a criminal or administrative action seeking to assert or protect the interest of the minor. The supreme court may adopt rules to permit confidential docketing of an application under this section.

(1-1) The name of a judge who grants an application authorizing a minor to consent to the performance of an abortion, including an application that is deemed granted because of the

1 judge's failure to rule on the application, and the number of
2 applications granted under this section, including the number
3 deemed granted, are subject to disclosure under Chapter 552,
4 Government Code. This section does not affect the confidentiality
5 and privileged status of the pregnant minor's information.

6 SECTION 2. Section 33.004, Family Code, is amended by
7 amending Subsections (b) and (c) and adding Subsection (c-1) to
8 read as follows:

9 (b) The court of appeals shall rule on an appeal under this
10 section not later than 5 p.m. on the second business day after the
11 date the notice of appeal is filed with the court that denied the
12 application. Only judges elected or appointed to the court in which
13 the appeal is filed may hear and rule on the appeal. On request by
14 the minor, the court shall grant an extension of the period
15 specified by this subsection. If a request for an extension is
16 made, the court shall rule on the appeal not later than 5 p.m. on the
17 second business day after the date the minor states she is ready to
18 proceed. If the court of appeals fails to rule on the appeal within
19 the period specified by this subsection, the appeal is deemed to be
20 granted and the physician may perform the abortion as if the court
21 had issued an order authorizing the minor to consent to the
22 performance of the abortion without notification under Section
23 33.002. Proceedings under this section shall be given precedence
24 over other pending matters to the extent necessary to assure that
25 the court reaches a decision promptly.

26 (c) Except as provided by Subsection (c-1), a [A] ruling of
27 the court of appeals issued under this section is confidential and

1 privileged and is not subject to disclosure under Chapter 552,
2 Government Code, or discovery, subpoena, or other legal process.
3 The ruling may not be released to any person but the pregnant minor,
4 the pregnant minor's guardian ad litem, the pregnant minor's
5 attorney, another person designated to receive the ruling by the
6 minor, or a governmental agency or attorney in a criminal or
7 administrative action seeking to assert or protect the interest of
8 the minor. The supreme court may adopt rules to permit confidential
9 docketing of an appeal under this section.

10 (c-1) The name of each judge of the court of appeals who
11 grants an appeal authorizing a minor to consent to the performance
12 of an abortion, including an appeal that is deemed granted because
13 the court failed to rule on the appeal, and the number of appeals
14 granted under this section, including the number deemed granted,
15 are subject to disclosure under Chapter 552, Government Code. This
16 section does not affect the confidentiality and privileged status
17 of the pregnant minor's information.

18 SECTION 3. The changes in law made by this Act apply only to
19 an application for judicial approval filed under Chapter 33, Family
20 Code, as amended by this Act, on or after the effective date of this
21 Act. An application filed before the effective date of this Act is
22 governed by the law in effect on the date the application was filed,
23 and that law is continued in effect for that purpose.

24 SECTION 4. This Act takes effect immediately if it receives
25 a vote of two-thirds of all the members elected to each house, as
26 provided by Section 39, Article III, Texas Constitution. If this
27 Act does not receive the vote necessary for immediate effect, this

H.B. No. 1942

1 Act takes effect September 1, 2015.