

By: Zaffirini

S.B. No. 1912

A BILL TO BE ENTITLED

# 1 AN ACT

2 relating to certain notice requirements and filing requirements in  
3 court proceedings involving persons with mental illness and  
4 representation of proposed patients in proceedings for  
5 court-ordered mental health services.

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

7 SECTION 1. Section 571.013, Health and Safety Code, is  
8 amended to read as follows:

9                   Sec. 571.013. METHOD OF GIVING NOTICE. Except as otherwise  
10 provided by this subtitle, notice required under this subtitle may  
11 be given by:

12                           (1) personal delivery of [delivering] a copy of the  
13 notice or document by a constable or sheriff of the county; [in  
14 person] or

15                           (2) [in] another manner directed by the court that is  
16 reasonably calculated to give actual notice.

17 SECTION 2. Section 571.014(c), Health and Safety Code, is  
18 amended to read as follows:

19 (c) A person may initially file a paper with the county  
20 clerk by the use of reproduced, photocopied, or electronically  
21 transmitted paper copies of [if the person files] the original  
22 signed copies of the paper. A person who files a reproduced,  
23 photocopied, or electronically transmitted paper must maintain  
24 possession of the original signed copies of the paper and shall make

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1 the original paper available for inspection on request by the  
2 parties or the court [with the clerk not later than the 72nd hour  
3 after the hour on which the initial filing is made. If the 72-hour  
4 period ends on a Saturday, Sunday, or legal holiday, the filing  
5 period is extended until 4 p.m. on the first succeeding business  
6 day. If extremely hazardous weather conditions exist or a disaster  
7 occurs, the presiding judge or magistrate may by written order made  
8 each day extend the filing period until 4 p.m. on the first  
9 succeeding business day. The written order must declare that an  
10 emergency exists because of the weather or the occurrence of a  
11 disaster. If a person detained under this subtitle would otherwise  
12 be released because the original signed copy of a paper is not filed  
13 within the 72-hour period but for the extension of the filing period  
14 under this section, the person may be detained until the expiration  
15 of the extended filing period. This subsection does not affect  
16 another provision of this subtitle requiring the release or  
17 discharge of a person].

18 SECTION 3. Chapter 571, Health and Safety Code, is amended  
19 by adding Sections 571.0168 and 571.0169 to read as follows:

20 Sec. 571.0168. MENTAL HEALTH PUBLIC DEFENDER OFFICE. A  
21 court, with the permission of the commissioners court of the county  
22 in which the court is located, may establish a mental health public  
23 defender office to provide proposed patients with legal  
24 representation provided by attorneys associated with that office.

25 Sec. 571.0169. REPRESENTATION OF PROPOSED PATIENT. The  
26 court shall appoint an attorney associated with a mental health  
27 public defender office described by Section 571.0168, a public

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1 defender other than a mental health public defender, or a private  
2 attorney to represent a proposed patient in any proceeding under  
3 Chapter 574.

4 SECTION 4. Section 574.010(b), Health and Safety Code, is  
5 amended to read as follows:

6 (b) If the court determines that the proposed patient is  
7 indigent, the court may authorize reimbursement to the attorney  
8 representing the proposed patient [ad litem] for court-approved  
9 expenses incurred in obtaining expert testimony and may order the  
10 proposed patient's county of residence to pay the expenses.

11 SECTION 5. Section 571.014(d), Health and Safety Code, is  
12 repealed.

13 SECTION 6. This Act takes effect September 1, 2017.