

By: Zaffirini

S.B. No. 1912

A BILL TO BE ENTITLED

AN ACT

1
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

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

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.