

1-1 By: Zaffirini S.B. No. 1912
1-2 (In the Senate - Filed March 10, 2017; March 23, 2017, read
1-3 first time and referred to Committee on Health & Human Services;
1-4 April 24, 2017, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 9, Nays 0; April 24, 2017,
1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	<u>Schwertner</u>	X		
1-10	<u>Uresti</u>	X		
1-11	<u>Buckingham</u>	X		
1-12	<u>Burton</u>	X		
1-13	<u>Kolkhorst</u>	X		
1-14	<u>Miles</u>	X		
1-15	<u>Perry</u>	X		
1-16	<u>Taylor of Collin</u>	X		
1-17	<u>Watson</u>	X		

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1912 By: Uresti

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

1-21 relating to certain notice requirements and filing requirements in
1-22 court proceedings involving persons with mental illness and
1-23 representation of proposed patients in proceedings for
1-24 court-ordered mental health services.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 SECTION 1. Section 571.013, Health and Safety Code, is
1-27 amended to read as follows:

1-28 Sec. 571.013. METHOD OF GIVING NOTICE. Except as otherwise
1-29 provided by this subtitle, notice required under this subtitle may
1-30 be given by:

1-31 (1) personal delivery of [delivered] a copy of the
1-32 notice or document by a constable or sheriff of the county; [in
1-33 person] or

1-34 (2) [in] another manner directed by the court that is
1-35 reasonably calculated to give actual notice.

1-36 SECTION 2. Section 571.014(c), Health and Safety Code, is
1-37 amended to read as follows:

1-38 (c) A person may [initially] file a paper with the county
1-39 clerk by the use of reproduced, photocopied, or electronically
1-40 transmitted paper copies of [if the person files] the original
1-41 signed copies of the paper. A person who files a reproduced,
1-42 photocopied, or electronically transmitted paper must maintain
1-43 possession of the original signed copies of the paper and shall make
1-44 the original paper available for inspection on request by the
1-45 parties or the court [with the clerk not later than the 72nd hour
1-46 after the hour on which the initial filing is made. If the 72-hour
1-47 period ends on a Saturday, Sunday, or legal holiday, the filing
1-48 period is extended until 4 p.m. on the first succeeding business
1-49 day. If extremely hazardous weather conditions exist or a disaster
1-50 occurs, the presiding judge or magistrate may by written order made
1-51 each day extend the filing period until 4 p.m. on the first
1-52 succeeding business day. The written order must declare that an
1-53 emergency exists because of the weather or the occurrence of a
1-54 disaster. If a person detained under this subtitle would otherwise
1-55 be released because the original signed copy of a paper is not filed
1-56 within the 72-hour period but for the extension of the filing period
1-57 under this section, the person may be detained until the expiration
1-58 of the extended filing period. This subsection does not affect
1-59 another provision of this subtitle requiring the release or
1-60 discharge of a person].

2-1 SECTION 3. Chapter 571, Health and Safety Code, is amended
2-2 by adding Sections 571.0168 and 571.0169 to read as follows:

2-3 Sec. 571.0168. MENTAL HEALTH PUBLIC DEFENDER OFFICE. A
2-4 court, with the permission of the commissioners court of the county
2-5 in which the court is located, may establish a mental health public
2-6 defender office to provide proposed patients with legal
2-7 representation provided by attorneys associated with that office.

2-8 Sec. 571.0169. REPRESENTATION OF PROPOSED PATIENT. The
2-9 court shall appoint an attorney associated with a mental health
2-10 public defender office described by Section 571.0168, a public
2-11 defender other than a mental health public defender, or a private
2-12 attorney to represent a proposed patient in any proceeding under
2-13 Chapter 574.

2-14 SECTION 4. Section 574.010(b), Health and Safety Code, is
2-15 amended to read as follows:

2-16 (b) If the court determines that the proposed patient is
2-17 indigent, the court may authorize reimbursement to the attorney
2-18 representing the proposed patient [ad litem] for court-approved
2-19 expenses incurred in obtaining expert testimony and may order the
2-20 proposed patient's county of residence to pay the expenses.

2-21 SECTION 5. Section 571.014(d), Health and Safety Code, is
2-22 repealed.

2-23 SECTION 6. This Act takes effect September 1, 2017.

2-24 * * * * *