

By: Brown of Kaufman

H.B. No. 2836

A BILL TO BE ENTITLED

AN ACT

1
2 relating to general provisions proceedings for court ordered mental
3 health services.

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

5 PART 1. Health and Safety Code--Title 7. SUBTITLE C. Texas
6 Mental Health Code, Subchapter C, Section 574.031 to read as
7 follows:

8 Sec. 574.031. General Provisions Relating to Hearing (a)
9 Except as provided by Subsection (b), the judge may hold a hearing
10 on an application for court-ordered mental health services at any
11 suitable location in the county. The hearing should be held in a
12 physical setting that is not likely to have a harmful effect on the
13 proposed patient.

14 (b) On the request of the proposed patient or the proposed
15 patient's attorney the hearing on the application shall be held in
16 the county courthouse.

17 (c) The proposed patient is entitled to be present at the
18 hearing. The proposed patient or the proposed patient's attorney
19 may waive this right.

20 (d) The hearing must be open to the public unless the
21 proposed patient or the proposed patient's attorney requests that
22 the hearing be closed and the judge determines that there is good
23 cause to close the hearing.

24 (e) The Texas Rules of Evidence apply to the hearing unless

1 the rules are inconsistent with this subtitle.

2 (f) The court may consider the testimony of a nonphysician
3 mental health professional in addition to medical or psychiatric
4 testimony.

5 (g) The hearing is on the record, and the state must prove
6 each element of the applicable criteria by clear and convincing
7 evidence.

8 (h) A judge who holds a hearing under this section in
9 hospitals or locations other than the county courthouse is entitled
10 to be reimbursed for the judge's reasonable and necessary expenses
11 related to holding a hearing at that location. The judge shall
12 furnish the presiding judge of the statutory probate courts or the
13 presiding judge of the administrative region, as appropriate, an
14 accounting of the expenses for certification. The presiding judge
15 shall provide a certification of expenses approved to the county
16 judge responsible for payment of costs under Section 571.018.

17 (i) A judge who holds hearings at locations other than the
18 county courthouse also may receive a reasonable salary supplement
19 in an amount set by the commissioners court.

20 (j) Notwithstanding other law, a judge who holds a hearing
21 under this section may assess for the judge's services a fee in an
22 amount not to exceed \$50 as a court cost against the county
23 responsible for the payment of the costs of the hearing under
24 Section 571.018.

25 (k) Notwithstanding other law, a judge who holds a hearing
26 under this section may assess for the services of a prosecuting
27 attorney a fee in an amount not to exceed \$50 as a court cost against

1 the county responsible for the payment of the costs of the hearing
2 under Section 571.018. For a mental health proceeding, the fee
3 assessed under this subsection includes costs incurred for the
4 preparation of documents related to the proceeding. The court may
5 award as court costs fees for other costs of a mental health
6 proceeding against the county responsible for the payment of the
7 costs of the hearing under Section 571.018.

8 (1) Notwithstanding other law, as electronic
9 teleconferencing equipment that provides real time audio and video
10 presentation is made available to a court a judge who holds a
11 hearing under this section related to the court-ordered mental
12 health services in a mental health facility owned and operated by
13 the State of Texas must utilize that technology by allowing any and
14 all testimony required of any licensed independent practitioner
15 employed by the State of Texas or any licensed independent
16 practitioner employed by a TDMHMR designated Local Mental Health
17 and/or Mental Retardation Authority to be presented via the
18 electronic teleconferencing technology thereby reducing travel and
19 other associated expenses to the State of Texas and its
20 contractors.