

By: Brown of Kaufman

H.B. No. 2837

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 B, Section 574.005 to read as
7 follows:

8 Sec. 574.005. Setting on Application (a) The judge or a
9 magistrate designated under Section 574.021(e) shall set a date for
10 a hearing to be held within 14 days after the date on which the
11 application is filed.

12 (b) The hearing may not be held during the first three days
13 after the application is filed if the proposed patient or the
14 proposed patient's attorney objects.

15 (c) The court may grant one or more continuances of the
16 hearing on the motion by a party and for good cause shown or on
17 agreement of the parties. However, the hearing shall be held not
18 later than the 30th day after the date on which the original
19 application is filed. If extremely hazardous weather conditions
20 exist or a disaster occurs that threatens the safety of the proposed
21 patient or other essential parties to the hearing, the judge or
22 magistrate may, by written order made each day, postpone the
23 hearing for 24 hours. The written order must declare that an
24 emergency exists because of the weather or the occurrence of a

1 disaster.

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