

BILL ANALYSIS

H.B. 1220
By: Talton
Public Health
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Texas is currently in a mental health crisis. Access to the mental health system can be limited in a sparsely populated area of the state, especially if a judge or other magistrate is unavailable. Texas mental health masters are essentially judges. They are cloaked with the authority of a judge in this area of the law and are governed by the Code of Judicial Conduct. Every individual who is a judge in Texas has the power of a magistrate. However, there is currently no provision allowing a mental health master the authority of a magistrate.

By allowing a mental health master the authority of a magistrate, this bill will facilitate access to the mental health system and promote judicial economy. The bill is a clarification of the fact that one who acts as a judge should have the authority of a magistrate.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

The bill allows a full-time or part-time master to preside over the proceedings of court-ordered mental health services or any other proceeding under that title. The bill includes the appointed masters in the definition of a magistrate.

EFFECTIVE DATE

September 1, 2005.