

## BILL ANALYSIS

Senate Research Center  
80R11724 UM-D

S.B. 778  
By: Harris  
Jurisprudence  
8/13/2007  
Enrolled

### AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law requires significant travel expense and time away from local duties for county personnel needed for re-commitment hearings of Tarrant County residents who have been placed in the state mental health facility in Wichita Falls. A much simpler and more efficient alternative would be to have the hearings via two-way electronic communication means.

S.B. 778 allows the use of two-way electronic communication equipment for certain court proceedings to include mental health commitment hearings.

### RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 573.012, Health and Safety Code, by amending Subsection (a) and adding Subsections (h) and (i), as follows:

(a) Creates an exception as provided by Subsection (h).

(h) Authorizes a judge or magistrate to permit an applicant who is a physician to present an application by secure electronic means, including satellite transmission, closed-circuit television transmission or any other method of two-way electronic communication that meets certain criteria.

(i) Requires the judge or magistrate to provide for a recording of the presentation of an application under Subsection (h) to be made and preserved until the patient or proposed patient has been released or discharged. Authorizes the patient or proposed patient to obtain a copy of the recording on payment of a reasonable amount to cover the costs of reproduction or, if the patient or proposed patient is indigent, requires the court to provide a copy on the request of the patient or proposed patient without charging a cost for the copy.

SECTION 2. Amends the heading to Subchapter I, Chapter 574, Health and Safety Code, to read as follows:

#### SUBCHAPTER I. USE OF VIDEO TECHNOLOGY AT PROCEEDINGS

SECTION 3. Amends Subchapter I, Chapter 574, Health and Safety Code, by adding Section 574.203, as follows:

Sec. 574.203. USE OF SECURE ELECTRONIC COMMUNICATION METHOD IN CERTAIN PROCEEDINGS UNDER THIS CHAPTER. (a) Authorizes a mental health commitment hearing to be conducted in accordance with this chapter (Court Ordered Mental Health Services) but conducted by specific secure electronic means if certain conditions are met.

(b) Authorizes the court, upon a motion made by certain persons, to terminate an appearance made through a secure electronic communication method at any time

during the appearance and require an appearance by the patient or proposed patient in open court.

(c) Requires the court to provide for a recording of the communication to be made and preserved until any appellate proceedings have been concluded. Authorizes the patient or proposed patient to obtain a copy of the recording on payment of a reasonable amount to cover the costs of reproduction or, if the patient or proposed patient is indigent, requires the court to provide a copy on the request of the patient or proposed patient without charging a cost for the copy.

SECTION 4. Effective date: September 1, 2007.