

BILL ANALYSIS

C.S.S.B. 778
By: Harris
Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

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.

C.S.S.B. 778 allows the use of secure 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.

ANALYSIS

SECTION 1. 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 2. Amends Subchapter I, Chapter 574, Health and Safety Code, by adding Section 574.203, as follows:

Sec. 574.203. USE OF 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 electronic means if certain conditions are met.

(b) Authorizes the court, upon a motion made by certain persons, to terminate an appearance made through an 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 to the patient or proposed patient without charging a cost for the copy.

SECTION 3. Effective date: September 1, 2007.

EFFECTIVE DATE

September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

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The substitute adds the requirement that a hearing conducted by electronic means in accordance with Section 574.203, Health and Safety Code, as added by the bill as reported engrossed by the senate, be conducted by secure electronic means.

In Subsection (a) of Section 574.203, Health and Safety Code, as added by the bill as reported engrossed by the senate, the substitute inserts the word "secure" between the words "by" and "electronic", inserts the word "secure" followed by a comma between the words "is" and "available", and replaces the phrase "parties and approved" with "parties, approved".

In Subdivision (1) of Subsection 574.203(a), Health and Safety Code, as added by the bill as reported engrossed by the senate, the substitute replaces the phrase "an electronic" with "a secure electronic".

In Subdivision (2) of Subsection 574.203(a), Health and Safety Code, as added by the bill as reported engrossed by the senate, the substitute inserts the word "secure" between the words "the" and "electronic".