

By: Martinez

H.B. No. 96

A BILL TO BE ENTITLED

AN ACT

relating to the transportation of certain mental health patients.

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

SECTION 1. Section 574.045, Health and Safety Code, is amended by amending Subsection (a) and adding Subsections (a-1) and (a-2) to read as follows:

(a) Except in a county described by Subsection (a-1), the
[The] court may authorize the transportation of a committed patient or a patient detained under Section 573.022 or 574.023 to the designated mental health facility by:

(1) a relative or other responsible person who has a proper interest in the patient's welfare and who receives no remuneration, except for actual and necessary expenses;

(2) the facility administrator of the designated mental health facility, if the administrator notifies the court that facility personnel are available to transport the patient;

(3) a special officer for mental health assignment certified under Section 1701.404, Occupations Code;

(4) a representative of the local mental health authority, who shall be reimbursed by the county; or

(5) the sheriff or constable, if no person is available under Subdivision (1), (2), (3), or (4).

(a-1) In a county located on the Texas-Mexico border that has a population of 500,000 or more and is adjacent to two or more

1 counties each of which has a population of 50,000 or more, the court
2 may authorize, in the following order of priority, the
3 transportation of a committed patient or a patient detained under
4 Section 573.022 or 574.023 to the designated mental health facility
5 by:

6 (1) a relative or other responsible person who has a
7 proper interest in the patient's welfare and who receives no
8 remuneration, except for actual and necessary expenses;

9 (2) the facility administrator of the designated
10 mental health facility, unless the administrator notifies the court
11 that facility personnel are not available to transport the patient;

12 (3) a representative of the local mental health
13 authority, who shall be reimbursed by the county;

14 (4) a special officer for mental health assignment
15 certified under Section 1701.404, Occupations Code, who shall be
16 reimbursed by the Department of State Health Services from money
17 appropriated for that purpose, or if money is not appropriated for
18 that purpose, as provided by Section 571.018; or

19 (5) the sheriff or constable, if no person is
20 available under Subdivision (1), (2), (3), or (4), who shall be
21 reimbursed by the Department of State Health Services from money
22 appropriated for that purpose, or if money is not appropriated for
23 that purpose, as provided by Section 571.018.

24 (a-2) A person who under Subsection (a-1) is authorized by
25 the court to transport a patient to a designated mental health
26 facility may contract with a third party qualified to provide the
27 transportation services authorized by the court.

1 SECTION 2. This Act takes effect September 1, 2007.