

By: Deuell

S.B. No. 442

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the payment of the costs of a hearing regarding the
3 court-ordered administration of psychoactive medication to certain
4 criminal defendants.

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

6 SECTION 1. Section 571.018(a), Health and Safety Code, is
7 amended to read as follows:

8 (a) The costs for a hearing or proceeding under this
9 subtitle, other than a hearing regarding the court-ordered
10 administration of psychoactive medication to a person awaiting
11 trial or acquitted in a criminal case as described by Section
12 574.107, shall be paid by:

13 (1) the county that initiates emergency detention
14 procedures under Subchapter A or B, Chapter 573; or

15 (2) if no emergency detention procedures are
16 initiated, the county that accepts an application for court-ordered
17 mental health services, issues an order for protective custody, or
18 issues an order for temporary mental health services.

19 SECTION 2. Section 574.107, Health and Safety Code, is
20 amended to read as follows:

21 Sec. 574.107. COSTS. The costs for a hearing [~~hearings~~]
22 under this subchapter shall be paid in accordance with Sections
23 571.017 and 571.018, except that the county in which the applicable
24 criminal charges are pending or were adjudicated shall pay the

1 costs of a hearing that is held under Section 574.106 to evaluate
2 the court-ordered administration of psychoactive medication to:

3 (1) a patient ordered to receive inpatient mental
4 health services as described by Section 574.106(a)(1) after having
5 been acquitted of an offense by reason of insanity; or

6 (2) a patient awaiting trial and ordered to receive
7 inpatient mental health services as described by Section
8 574.106(a)(2).

9 SECTION 3. The change in law made by this Act applies only
10 to a hearing under Section 574.106, Health and Safety Code, that
11 commences on or after the effective date of this Act. A hearing
12 under Section 574.106, Health and Safety Code, that commences
13 before the effective date of this Act is covered by the law in
14 effect when the hearing commenced, and the former law is continued
15 in effect for this purpose.

16 SECTION 4. This Act takes effect September 1, 2007.