By: Deuell S.B. No. 442

(In the Senate - Filed February 5, 2007; February 21, 2007, read first time and referred to Committee on Criminal Justice; April 20, 2007, reported adversely, with favorable Committee Substitute by the following vote: Yeas 6, Nays 0; April 20, 2007, sent to printer.)

COMMITTEE SUBSTITUTE FOR S.B. No. 442 By: Deuell

A BILL TO BE ENTITLED
AN ACT

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

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

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

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

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

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

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

Sec. 574.107. COSTS. The costs for a hearing [~~hearings~~] under this subchapter shall be paid in accordance with Sections 571.017 and 571.018, except that the county in which the applicable criminal charges are pending or were adjudicated shall pay the costs of a hearing that is held under Section 574.106 to evaluate the court-ordered administration of psychoactive medication to:

(1) a patient ordered to receive inpatient mental health services as described by Section 574.106(a)(1) after having been determined to be incompetent to stand trial or having been acquitted of an offense by reason of insanity; or

(2) a patient who:

(A) is awaiting trial after having been determined to be competent to stand trial; and

(B) was ordered to receive inpatient mental health services as described by Section 574.106(a)(2).

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

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

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