

By: Harris

S.B. No. 778

A BILL TO BE ENTITLED

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AN ACT

relating to the use of an electronic communication method to conduct certain hearings regarding court-ordered mental health services.

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

SECTION 1. The heading to Subchapter I, Chapter 574, Health and Safety Code, is amended to read as follows:

SUBCHAPTER I. USE OF VIDEO TECHNOLOGY [~~TESTIMONY BY CLOSED-CIRCUIT VIDEO TELECONFERENCING~~] AT PROCEEDINGS

SECTION 2. Subchapter I, Chapter 574, Health and Safety Code, is amended by adding Section 574.203 to read as follows:

Sec. 574.203. USE OF ELECTRONIC COMMUNICATION METHOD IN CERTAIN PROCEEDINGS UNDER THIS CHAPTER. (a) A hearing may be conducted in accordance with this chapter but conducted by electronic means, including satellite transmission, closed-circuit television transmission, or any other method of two-way electronic communication that is available to the parties and approved by the court, and capable of visually and audibly recording the proceedings, if:

(1) written consent to the use of an electronic communication method for the hearing is filed with the court by:

(A) the proposed patient or the attorney representing the proposed patient; and

(B) the county or district attorney, as

1 appropriate;

2 (2) the electronic communication method provides for a
3 simultaneous, compressed full-motion video, and interactive
4 communication of image and sound among the judge, associate judge,
5 or master, the county or district attorney, the attorney
6 representing the proposed patient, and the proposed patient; and

7 (3) on request of the proposed patient or the attorney
8 representing the proposed patient, the proposed patient and the
9 attorney can communicate privately without being recorded or heard
10 by the judge, associate judge, or master or the county or district
11 attorney.

12 (b) On the motion of the patient or proposed patient, the
13 attorney representing the patient or proposed patient, or the
14 county or district attorney or on the court's own motion, the court
15 may terminate an appearance made through an electronic
16 communication method at any time during the appearance and require
17 an appearance by the patient or proposed patient in open court.

18 (c) The court shall provide for a recording of the
19 communication to be made and preserved until any appellate
20 proceedings have been concluded. The patient or proposed patient
21 may obtain a copy of the recording on payment of a reasonable amount
22 to cover the costs of reproduction or, if the patient or proposed
23 patient is indigent, the court shall provide a copy to the patient
24 or proposed patient without charging a cost for the copy.

25 SECTION 3. This Act takes effect September 1, 2007.