

1-1 By: Harris S.B. No. 778  
1-2 (In the Senate - Filed February 20, 2007; March 6, 2007,  
1-3 read first time and referred to Committee on Jurisprudence;  
1-4 March 26, 2007, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 4, Nays 0; March 26, 2007,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 778 By: Duncan

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the use of an electronic communication method to  
1-11 conduct certain hearings regarding court-ordered mental health  
1-12 services.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. The heading to Subchapter I, Chapter 574, Health  
1-15 and Safety Code, is amended to read as follows:

1-16 SUBCHAPTER I. USE OF VIDEO TECHNOLOGY [~~TESTIMONY BY CLOSED-CIRCUIT~~  
1-17 ~~VIDEO TELECONFERENCING~~] AT PROCEEDINGS

1-18 SECTION 2. Subchapter I, Chapter 574, Health and Safety  
1-19 Code, is amended by adding Section 574.203 to read as follows:

1-20 Sec. 574.203. USE OF ELECTRONIC COMMUNICATION METHOD IN  
1-21 CERTAIN PROCEEDINGS UNDER THIS CHAPTER. (a) A hearing may be  
1-22 conducted in accordance with this chapter but conducted by  
1-23 electronic means, including satellite transmission, closed-circuit  
1-24 television transmission, or any other method of two-way electronic  
1-25 communication that is available to the parties and approved by the  
1-26 court, and capable of visually and audibly recording the  
1-27 proceedings, if:

1-28 (1) written consent to the use of an electronic  
1-29 communication method for the hearing is filed with the court by:

1-30 (A) the proposed patient or the attorney  
1-31 representing the proposed patient; and

1-32 (B) the county or district attorney, as  
1-33 appropriate;

1-34 (2) the electronic communication method provides for a  
1-35 simultaneous, compressed full-motion video, and interactive  
1-36 communication of image and sound among the judge, associate judge,  
1-37 or master, the county or district attorney, the attorney  
1-38 representing the proposed patient, and the proposed patient; and

1-39 (3) on request of the proposed patient or the attorney  
1-40 representing the proposed patient, the proposed patient and the  
1-41 attorney can communicate privately without being recorded or heard  
1-42 by the judge, associate judge, or master or the county or district  
1-43 attorney.

1-44 (b) On the motion of the patient or proposed patient, the  
1-45 attorney representing the patient or proposed patient, or the  
1-46 county or district attorney or on the court's own motion, the court  
1-47 may terminate an appearance made through an electronic  
1-48 communication method at any time during the appearance and require  
1-49 an appearance by the patient or proposed patient in open court.

1-50 (c) The court shall provide for a recording of the  
1-51 communication to be made and preserved until any appellate  
1-52 proceedings have been concluded. The patient or proposed patient  
1-53 may obtain a copy of the recording on payment of a reasonable amount  
1-54 to cover the costs of reproduction or, if the patient or proposed  
1-55 patient is indigent, the court shall provide a copy to the patient  
1-56 or proposed patient without charging a cost for the copy.

1-57 SECTION 3. This Act takes effect September 1, 2007.

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