

By: Menendez

H.B. No. 1647

A BILL TO BE ENTITLED

1 AN ACT
2 relating to certain judicial findings required before a court may
3 order a person to receive extended outpatient mental health
4 services.

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

6 SECTION 1. Section 574.035(b), Health and Safety Code, is
7 amended to read as follows:

8 (b) The judge may order a proposed patient to receive
9 court-ordered extended outpatient mental health services only if:

10 (1) the judge finds that appropriate mental health
11 services are available to the patient; and

12 (2) the jury, or the judge if the right to a jury is
13 waived, finds from clear and convincing evidence that:

14 (A) the proposed patient is mentally ill;

15 (B) the nature of the mental illness is severe
16 and persistent;

17 (C) as a result of the mental illness, the
18 proposed patient will, if not treated, continue to:

19 (i) suffer severe and abnormal mental,
20 emotional, or physical distress; and

21 (ii) experience deterioration of the
22 ability to function independently to the extent that the proposed
23 patient will be unable to live safely in the community without
24 court-ordered outpatient mental health services;

1 (D) the proposed patient has an inability to
2 participate in outpatient treatment services effectively and
3 voluntarily, demonstrated by:

4 (i) any of the proposed patient's actions
5 occurring within the two-year period which immediately precedes the
6 hearing; or

7 (ii) specific characteristics of the
8 proposed patient's clinical condition that make impossible a
9 rational and informed decision whether to submit to voluntary
10 outpatient treatment;

11 (E) the proposed patient's condition is expected
12 to continue for more than 90 days; and

13 (F) the proposed patient has received
14 court-ordered inpatient mental health services under this subtitle
15 or under Subchapter D or E, Chapter 46B, Code of Criminal Procedure,
16 for a total of at least 60 [~~consecutive~~] days during the preceding
17 24 [~~12~~] months.

18 SECTION 2. This Act takes effect September 1, 2009.