

1-1 By: Uresti S.B. No. 118
1-2 (In the Senate - Filed November 8, 2010; January 31, 2011,
1-3 read first time and referred to Committee on Jurisprudence;
1-4 March 2, 2011, reported favorably by the following vote: Yeas 6,
1-5 Nays 0; March 2, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to a court's authority to order a proposed patient to
1-9 receive extended outpatient mental health services.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subsection (b), Section 574.035, Health and
1-12 Safety Code, is amended to read as follows:

1-13 (b) The judge may order a proposed patient to receive
1-14 court-ordered extended outpatient mental health services only if:

1-15 (1) the judge finds that appropriate mental health
1-16 services are available to the patient; and

1-17 (2) the jury, or the judge if the right to a jury is
1-18 waived, finds from clear and convincing evidence that:

1-19 (A) the proposed patient is mentally ill;

1-20 (B) the nature of the mental illness is severe
1-21 and persistent;

1-22 (C) as a result of the mental illness, the
1-23 proposed patient will, if not treated, continue to:

1-24 (i) suffer severe and abnormal mental,
1-25 emotional, or physical distress; and

1-26 (ii) experience deterioration of the
1-27 ability to function independently to the extent that the proposed
1-28 patient will be unable to live safely in the community without
1-29 court-ordered outpatient mental health services;

1-30 (D) the proposed patient has an inability to
1-31 participate in outpatient treatment services effectively and
1-32 voluntarily, demonstrated by:

1-33 (i) any of the proposed patient's actions
1-34 occurring within the two-year period which immediately precedes the
1-35 hearing; or

1-36 (ii) specific characteristics of the
1-37 proposed patient's clinical condition that make impossible a
1-38 rational and informed decision whether to submit to voluntary
1-39 outpatient treatment;

1-40 (E) the proposed patient's condition is expected
1-41 to continue for more than 90 days; and

1-42 (F) the proposed patient has received:

1-43 (i) court-ordered inpatient mental health
1-44 services under this subtitle or under Subchapter D or E, Chapter
1-45 46B, Code of Criminal Procedure, for a total of at least 60
1-46 ~~consecutive~~ days during the preceding 12 months; or

1-47 (ii) court-ordered outpatient mental
1-48 health services under this subtitle or under Subchapter D or E,
1-49 Chapter 46B, Code of Criminal Procedure, during the preceding 60
1-50 days.

1-51 SECTION 2. Subsection (b), Section 574.002, Health and
1-52 Safety Code, is amended to read as follows:

1-53 (b) The application must state whether the application is
1-54 for temporary or extended mental health services. An application
1-55 for extended inpatient mental health services must state that the
1-56 person has received court-ordered inpatient mental health services
1-57 under this subtitle or under Subchapter D or E, Chapter 46B, Code of
1-58 Criminal Procedure, for at least 60 consecutive days during the
1-59 preceding 12 months. An application for extended outpatient mental
1-60 health services must state that the person has received:

1-61 (1) court-ordered inpatient mental health services
1-62 under this subtitle or under Subchapter D or E, Chapter 46B, Code of
1-63 Criminal Procedure, for a total of at least 60 days during the
1-64 preceding 12 months; or

2-1 (2) court-ordered outpatient mental health services
2-2 under this subtitle or under Subchapter D or E, Chapter 46B, Code of
2-3 Criminal Procedure, during the preceding 60 days.

2-4 SECTION 3. This Act takes effect September 1, 2011.

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