

By: Lucio

S.B. No. 1358

A BILL TO BE ENTITLED

AN ACT

relating to electronically transmitting a warrant for emergency detention.

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

SECTION 1. Section 573.012, Health and Safety Code, is amended by amending Subsection (h) and adding Subsection (h-1) to read as follows:

(h) A judge or magistrate may permit an applicant who is a physician to present an application by:

(1) e-mail with the application attached as a secure document in a portable document format (PDF); or

(2) secure electronic means, including:

(A) satellite transmission;

(B) [ ] closed-circuit television transmission; [ ] or

(C) any other method of two-way electronic communication that:

(i) [~~1~~] is secure;

(ii) [~~2~~] is available to the judge or magistrate; and

(iii) [~~3~~] provides for a simultaneous, compressed full-motion video and interactive communication of image and sound between the judge or magistrate and the applicant.

(h-1) After the presentation of an application under

1 Subsection (h), the judge or magistrate may transmit a warrant to  
2 the applicant:

3 (1) electronically, if a digital signature, as defined  
4 by Article 2.26, Code of Criminal Procedure, is transmitted with  
5 the document; or

6 (2) by e-mail with the warrant attached as a secure  
7 document in a portable document format (PDF), if the identifiable  
8 legal signature of the judge or magistrate is transmitted with the  
9 document.

10 SECTION 2. This Act takes effect September 1, 2011.