

1-1 By: Lucio S.B. No. 1358
1-2 (In the Senate - Filed March 9, 2011; March 22, 2011, read
1-3 first time and referred to Committee on Criminal Justice;
1-4 May 10, 2011, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 6, Nays 0; May 10, 2011,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1358 By: Hinojosa

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

1-10 relating to electronically transmitting a warrant for emergency
1-11 detention.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 573.012, Health and Safety Code, is
1-14 amended by amending Subsection (h) and adding Subsection (h-1) to
1-15 read as follows:

1-16 (h) A judge or magistrate may permit an applicant who is a
1-17 physician to present an application by:

1-18 (1) e-mail with the application attached as a secure
1-19 document in a portable document format (PDF); or

1-20 (2) secure electronic means, including:

1-21 (A) satellite transmission;

1-22 (B) [] closed-circuit television
1-23 transmission; [] or

1-24 (C) any other method of two-way electronic
1-25 communication that:

1-26 (i) [~~1~~] is secure;

1-27 (ii) [~~2~~] is available to the judge or
1-28 magistrate; and

1-29 (iii) [~~3~~] provides for a simultaneous,
1-30 compressed full-motion video and interactive communication of
1-31 image and sound between the judge or magistrate and the applicant.

1-32 (h-1) After the presentation of an application under
1-33 Subsection (h), the judge or magistrate may transmit a warrant to
1-34 the applicant:

1-35 (1) electronically, if a digital signature, as defined
1-36 by Article 2.26, Code of Criminal Procedure, is transmitted with
1-37 the document; or

1-38 (2) by e-mail with the warrant attached as a secure
1-39 document in a portable document format (PDF), if the identifiable
1-40 legal signature of the judge or magistrate is transmitted with the
1-41 document.

1-42 SECTION 2. This Act takes effect September 1, 2011.

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