

By: Naishtat

H.B. No. 2296

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the requirements of using certain technology to conduct
3 certain mental health hearings or proceedings.

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

5 SECTION 1. Section 574.202(a), Health and Safety Code, is
6 amended to read as follows:

7 (a) A judge or magistrate may permit a physician or a
8 nonphysician mental health professional to testify at a hearing or
9 proceeding by closed-circuit video teleconferencing if:

10 (1) closed-circuit video teleconferencing is
11 available to the judge or magistrate for that purpose;

12 (2) the proposed patient and the attorney representing
13 the proposed patient do not file with the court a written objection
14 to the use of closed-circuit video teleconferencing;

15 (3) the closed-circuit video teleconferencing system
16 provides for a simultaneous, compressed full-motion video and
17 interactive communication of image and sound between all persons
18 involved in the hearing; ~~and~~

19 (4) on request of the proposed patient, the proposed
20 patient and the proposed patient's attorney can communicate
21 privately without being recorded or heard by the judge or
22 magistrate or by the attorney representing the state; and

23 (5) the proposed patient is in the same location for
24 the hearing or proceeding as:

- 1 (A) the proposed patient's attorney; and
2 (B) if the hearing or proceeding is held in the
3 county in which a commitment proceeding relating to the proposed
4 patient is pending, the judge or magistrate.

5 SECTION 2. Section 574.203(a), Health and Safety Code, is
6 amended to read as follows:

7 (a) A hearing may be conducted in accordance with this
8 chapter but conducted by secure electronic means, including
9 satellite transmission, closed-circuit television transmission, or
10 any other method of two-way electronic communication that is
11 secure, available to the parties, approved by the court, and
12 capable of visually and audibly recording the proceedings, if:

13 (1) written consent to the use of a secure electronic
14 communication method for the hearing is filed with the court by:

15 (A) the proposed patient or the attorney
16 representing the proposed patient; and

17 (B) the county or district attorney, as
18 appropriate;

19 (2) the secure electronic communication method
20 provides for a simultaneous, compressed full-motion video, and
21 interactive communication of image and sound among the judge or
22 associate judge, the county or district attorney, the attorney
23 representing the proposed patient, and the proposed patient; ~~and~~

24 (3) on request of the proposed patient or the attorney
25 representing the proposed patient, the proposed patient and the
26 attorney can communicate privately without being recorded or heard
27 by the judge or associate judge or by the county or district

1 attorney; and

2 (4) the proposed patient is in the same location for
3 the hearing as:

4 (A) the proposed patient's attorney; and

5 (B) if the hearing is held in the county in which
6 a commitment proceeding relating to the proposed patient is
7 pending, the judge or associate judge.

8 SECTION 3. This Act takes effect September 1, 2013.