

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

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

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

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

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

(5) the proposed patient is in the same location for the hearing or proceeding as the proposed patient's attorney.

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

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

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

11 (A) the proposed patient or the attorney
12 representing the proposed patient; and

13 (B) the county or district attorney, as
14 appropriate;

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

20 (3) on request of the proposed patient or the attorney
21 representing the proposed patient, the proposed patient and the
22 attorney can communicate privately without being recorded or heard
23 by the judge or associate judge or by the county or district
24 attorney; and

25 (4) the proposed patient is in the same location for
26 the hearing as the proposed patient's attorney.

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