

1-1 By: West S.B. No. 250
 1-2 (In the Senate - Filed January 25, 2013; January 29, 2013,
 1-3 read first time and referred to Committee on Jurisprudence;
 1-4 February 20, 2013, reported favorably by the following vote: Yeas
 1-5 5, Nays 0; February 20, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11			X	
1-12	X			
1-13	X			

1-14 A BILL TO BE ENTITLED
 1-15 AN ACT

1-16 relating to the requirements of using certain technology to conduct
 1-17 certain mental health hearings or proceedings.

1-18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-19 SECTION 1. Subsection (a), Section 574.202, Health and
 1-20 Safety Code, is amended to read as follows:

1-21 (a) A judge or magistrate may permit a physician or a
 1-22 nonphysician mental health professional to testify at a hearing or
 1-23 proceeding by closed-circuit video teleconferencing if:

1-24 (1) closed-circuit video teleconferencing is
 1-25 available to the judge or magistrate for that purpose;

1-26 (2) the proposed patient and the attorney representing
 1-27 the proposed patient do not file with the court a written objection
 1-28 to the use of closed-circuit video teleconferencing;

1-29 (3) the closed-circuit video teleconferencing system
 1-30 provides for a simultaneous, compressed full-motion video and
 1-31 interactive communication of image and sound between all persons
 1-32 involved in the hearing; ~~and~~

1-33 (4) on request of the proposed patient, the proposed
 1-34 patient and the proposed patient's attorney can communicate
 1-35 privately without being recorded or heard by the judge or
 1-36 magistrate or by the attorney representing the state; and

1-37 (5) the proposed patient is in the same location for
 1-38 the hearing or proceeding as the proposed patient's attorney.

1-39 SECTION 2. Subsection (a), Section 574.203, Health and
 1-40 Safety Code, is amended to read as follows:

1-41 (a) A hearing may be conducted in accordance with this
 1-42 chapter but conducted by secure electronic means, including
 1-43 satellite transmission, closed-circuit television transmission, or
 1-44 any other method of two-way electronic communication that is
 1-45 secure, available to the parties, approved by the court, and
 1-46 capable of visually and audibly recording the proceedings, if:

1-47 (1) written consent to the use of a secure electronic
 1-48 communication method for the hearing is filed with the court by:

1-49 (A) the proposed patient or the attorney
 1-50 representing the proposed patient; and

1-51 (B) the county or district attorney, as
 1-52 appropriate;

1-53 (2) the secure electronic communication method
 1-54 provides for a simultaneous, compressed full-motion video, and
 1-55 interactive communication of image and sound among the judge or
 1-56 associate judge, the county or district attorney, the attorney
 1-57 representing the proposed patient, and the proposed patient; ~~and~~

1-58 (3) on request of the proposed patient or the attorney
 1-59 representing the proposed patient, the proposed patient and the
 1-60 attorney can communicate privately without being recorded or heard
 1-61 by the judge or associate judge or by the county or district

2-1 attorney; and
2-2 (4) the proposed patient is in the same location for
2-3 the hearing as the proposed patient's attorney.
2-4 SECTION 3. This Act takes effect September 1, 2013.

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