By: Uresti   S.B. No. 1039

A BILL TO BE ENTITLED

1   AN ACT

2 relating to the filing requirements for certain documents in mental

3 health cases.

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

5   SECTION 1. Section 571.014(c), Health and Safety Code, is

6 amended to read as follows:

7   (c) A person may [~~initially~~] file a paper with the county

8 clerk by the use of reproduced, photocopied, or electronically

9 transmitted paper [~~if the person files the original signed copies~~

10 ~~of the paper with the clerk not later than the 72nd hour after the~~

11 ~~hour on which the initial filing is made. If the 72-hour period~~

12 ~~ends on a Saturday, Sunday, or legal holiday, the filing period is~~

13 ~~extended until 4 p.m. on the first succeeding business day. If~~

14 ~~extremely hazardous weather conditions exist or a disaster occurs,~~

15 ~~the presiding judge or magistrate may by written order made each day~~

16 ~~extend the filing period until 4 p.m. on the first succeeding~~

17 ~~business day. The written order must declare that an emergency~~

18 ~~exists because of the weather or the occurrence of a disaster. If a~~

19 ~~person detained under this subtitle would otherwise be released~~

20 ~~because the original signed copy of a paper is not filed within the~~

21 ~~72-hour period but for the extension of the filing period under this~~

22 ~~section, the person may be detained until the expiration of the~~

23 ~~extended filing period. This subsection does not affect another~~

24 ~~provision of this subtitle requiring the release or discharge of a~~

1 person]. If the paper is filed with the county clerk by the use of

2 reproduced, photocopied, or electronically transmitted paper, the

3 person filing the paper shall:

4   (1) maintain the original signed copies of the paper;

5 and

6   (2) on request of a party or the court, file the

7 original signed copies of the paper with the clerk.

8   SECTION 2. Section 571.014(d), Health and Safety Code, is

9 repealed.

10   SECTION 3. This Act takes effect September 1, 2017.