

BILL ANALYSIS

S.B. 395
By: Zaffirini
Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

There are concerns regarding outdated notice and filing procedures in court proceedings involving persons with mental illness that center on the procedures for filing copies of documents in lieu of the timely filing of original signed documents. It has been noted that these procedures, and the attendant deadlines for filing the originals, were originally enacted because ink on the filed copies could fade quickly and that recent technological advancements have made these procedures impractical. It is of additional concern that the statutory authorization for giving required notice under the Texas Mental Health Code lacks an explicit authorization for a constable or sheriff to give such notice. S.B. 395 seeks to address these concerns by authorizing those officials to personally delivery such notice and by revising certain filing procedures under the Texas Mental Health Code.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 395 amends the Health and Safety Code to authorize requisite notice given under the Texas Mental Health Code to be given by personal delivery of a copy of the applicable notice or document by a constable or sheriff of the applicable county.

S.B. 395 revises the authorization for a person to file a reproduced, photocopied, or electronically transmitted paper with a county clerk by removing the condition that a person file an original paper within applicable deadlines. The bill requires a person who files a reproduced, photocopied, or electronically transmitted paper with the county clerk to maintain possession of the original paper instead and make it available for inspection on request by the applicable parties or the court.

S.B. 395 repeals Section 571.014(d), Health and Safety Code.

EFFECTIVE DATE

September 1, 2019.