86R12000 EAS-F

By:  Hinojosa H.B. No. 2938

A BILL TO BE ENTITLED

AN ACT

relating to the authority of the commissioners court of a county to employ attorneys as mental health public defenders and to the reimbursement of an attorney who represents an indigent proposed patient in certain mental health proceedings.

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

SECTION 1.  Chapter 571, Health and Safety Code, is amended by adding Sections 571.0168 and 571.0169 to read as follows:

Sec. 571.0168.  MENTAL HEALTH PUBLIC DEFENDERS. The commissioners court of a county may employ attorneys as mental health public defenders to provide proposed patients with legal representation in a proceeding under Chapter 574.

Sec. 571.0169.  REPRESENTATION OF PROPOSED PATIENT. The court may appoint a mental health public defender described by Section 571.0168, a public defender other than a mental health public defender, or a private attorney to represent a proposed patient in any proceeding under Chapter 574.

SECTION 2.  Section 574.010(b), Health and Safety Code, is amended to read as follows:

(b)  If the court determines that the proposed patient is indigent, the court may authorize reimbursement to the attorney representing the proposed patient [~~ad litem~~] for court-approved expenses incurred in obtaining expert testimony and may order the proposed patient's county of residence to pay the expenses.

SECTION 3.  This Act takes effect September 1, 2019.