86R29995 EAS-D

By:  Zaffirini, et al. S.B. No. 1293

(Hinojosa)

Substitute the following for S.B. No. 1293:

By:  Smith C.S.S.B. No. 1293

A BILL TO BE ENTITLED

AN ACT

relating to the authority of certain courts 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. (a) This section applies only to a county with a population of 800,000 or more.

(b)  A court with primary responsibility for mental illness proceedings in a county to which this section applies, with the permission of the commissioners court of that 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. (a) Subject to Subsection (b), the court shall appoint an attorney employed as 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.

(b)  If the county employs a public defender other than a mental health public defender that is assigned to a court with primary responsibility for mental illness proceedings for that county, the court must appoint that public defender to represent a proposed patient in a proceeding under Chapter 574 unless the court enters in the record a statement of the reason the court is unable to appoint that public defender.

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.