

By: Hinojosa

H.B. No. 2938

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the authority of the commissioners court of a county to
3 employ attorneys as mental health public defenders and to the
4 reimbursement of an attorney who represents an indigent proposed
5 patient in certain mental health proceedings.

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

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

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

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

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

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

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