

By: Huffman, Hinojosa  
Zaffirini

S.B. No. 362

A BILL TO BE ENTITLED

AN ACT

relating to court-ordered mental health services.

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

SECTION 1. Section 137.008(a), Civil Practice and Remedies Code, is amended to read as follows:

(a) A physician or other health care provider may subject the principal to mental health treatment in a manner contrary to the principal's wishes as expressed in a declaration for mental health treatment only:

(1) if the principal is under an order for temporary or extended mental health services under Section 574.034, 574.0345, ~~574.035~~, 574.0355, Health and Safety Code, and treatment is authorized in compliance with Section 574.106, Health and Safety Code; or

(2) in case of an emergency when the principal's instructions have not been effective in reducing the severity of the behavior that has caused the emergency.

SECTION 2. Article 16.22, Code of Criminal Procedure, is amended by amending Subsection (c) and adding Subsections (c-1), (c-2), and (c-3) to read as follows:

(c) After the trial court receives the applicable expert's written assessment relating to the defendant under Subsection (b-1) or elects to use the results of a previous determination as described by Subsection (a)(2), the trial court may, as applicable:

1 (1) resume criminal proceedings against the  
2 defendant, including any appropriate proceedings related to the  
3 defendant's release on personal bond under Article 17.032 if the  
4 defendant is being held in custody;

5 (2) resume or initiate competency proceedings, if  
6 required, as provided by Chapter 46B ~~[or other proceedings~~  
7 ~~affecting the defendant's receipt of appropriate court-ordered~~  
8 ~~mental health or intellectual disability services, including~~  
9 ~~proceedings related to the defendant's receipt of outpatient mental~~  
10 ~~health services under Section 574.034, Health and Safety Code];~~

11 (3) consider the written assessment during the  
12 punishment phase after a conviction of the offense for which the  
13 defendant was arrested, as part of a presentence investigation  
14 report, or in connection with the impositions of conditions  
15 following placement on community supervision, including deferred  
16 adjudication community supervision; ~~[or]~~

17 (4) refer the defendant to an appropriate specialty  
18 court established or operated under Subtitle K, Title 2, Government  
19 Code; or

20 (5) if the offense charged does not involve an act,  
21 attempt, or threat of serious bodily injury to another person,  
22 release the defendant on bail while charges against the defendant  
23 remain pending and enter an order transferring the defendant to the  
24 appropriate court for court-ordered outpatient mental health  
25 services under Chapter 574, Health and Safety Code.

26 (c-1) If an order is entered under Subsection (c)(5), an  
27 attorney representing the state shall file the application for

1 court-ordered outpatient services under Chapter 574, Health and  
2 Safety Code.

3 (c-2) On the motion of an attorney representing the state,  
4 if the court determines the defendant has complied with appropriate  
5 court-ordered outpatient treatment, the court may dismiss the  
6 charges pending against the defendant and discharge the defendant.

7 (c-3) On the motion of an attorney representing the state,  
8 if the court determines the defendant has failed to comply with  
9 appropriate court-ordered outpatient treatment, the court shall  
10 proceed under this chapter or with the trial of the offense.

11 SECTION 3. Section 55.13(d), Family Code, is amended to  
12 read as follows:

13 (d) After conducting a hearing on an application under this  
14 section, the juvenile court shall:

15 (1) if the criteria under Section 574.034 or 574.0345,  
16 Health and Safety Code, are satisfied, order temporary mental  
17 health services for the child; or

18 (2) if the criteria under Section 574.035 or 574.0355,  
19 Health and Safety Code, are satisfied, order extended mental health  
20 services for the child.

21 SECTION 4. Section 55.38(b), Family Code, is amended to  
22 read as follows:

23 (b) After conducting a hearing under Subsection (a)(2), the  
24 juvenile court shall:

25 (1) if the criteria under Section 574.034 or 574.0345,  
26 Health and Safety Code, are satisfied, order temporary mental  
27 health services; or

1           (2) if the criteria under Section [574.035](#) or 574.0355,  
2 Health and Safety Code, are satisfied, order extended mental health  
3 services.

4           SECTION 5. Section [55.57\(b\)](#), Family Code, is amended to  
5 read as follows:

6           (b) After conducting a hearing under Subsection (a)(2), the  
7 juvenile court shall:

8           (1) if the criteria under Section [574.034](#) or 574.0345,  
9 Health and Safety Code, are satisfied, order temporary mental  
10 health services; or

11           (2) if the criteria under Section [574.035](#) or 574.0355,  
12 Health and Safety Code, are satisfied, order extended mental health  
13 services.

14           SECTION 6. Subchapter B, Chapter [22](#), Government Code, is  
15 amended by adding Section 22.1106 to read as follows:

16           Sec. 22.1106. JUDICIAL INSTRUCTION RELATED TO  
17 COURT-ORDERED MENTAL HEALTH SERVICES. The court of criminal  
18 appeals shall ensure that judicial training related to the problems  
19 of court-ordered mental health services is provided at least once  
20 every year. The instruction may be provided at the annual Judicial  
21 Education Conference.

22           SECTION 7. Section [501.057\(b\)](#), Government Code, is amended  
23 to read as follows:

24           (b) Not later than the 30th day before the initial parole  
25 eligibility date of an inmate identified as mentally ill, an  
26 institutional division psychiatrist shall examine the inmate. The  
27 psychiatrist shall file a sworn application for court-ordered

1 temporary mental health services under Chapter 574, Health and  
2 Safety Code, if the psychiatrist determines that the inmate is  
3 mentally ill and as a result of the illness the inmate meets at  
4 least one of the criteria listed in Section 574.034 or 574.0345,  
5 Health and Safety Code.

6 SECTION 8. Section 574.002(c), Health and Safety Code, is  
7 amended to read as follows:

8 (c) Any application must contain the following information  
9 according to the applicant's information and belief:

- 10 (1) the proposed patient's name and address;
- 11 (2) the proposed patient's county of residence in this  
12 state;
- 13 (3) a statement that the proposed patient is a person  
14 with mental illness and meets the criteria in Section 574.034,  
15 574.0345, ~~[or]~~ 574.035, or 574.0355 for court-ordered mental health  
16 services; and
- 17 (4) whether the proposed patient is charged with a  
18 criminal offense.

19 SECTION 9. Section 574.031, Health and Safety Code, is  
20 amended by adding Subsections (d-1) and (d-2) to read as follows:

21 (d-1) In a hearing for temporary inpatient or outpatient  
22 mental health services under Section 574.034 or 574.0345, the  
23 proposed patient and the proposed patient's attorney, by a written  
24 document filed with the court, may waive the right to cross-examine  
25 witnesses, and, if that right is waived, the court may admit, as  
26 evidence, the certificates of medical examination for mental  
27 illness. The certificates admitted under this subsection

1 constitute competent medical or psychiatric testimony, and the  
2 court may make its findings solely from the certificates. If the  
3 proposed patient and the proposed patient's attorney do not waive  
4 in writing the right to cross-examine witnesses, the court shall  
5 proceed to hear testimony. The testimony must include competent  
6 medical or psychiatric testimony.

7 (d-2) In a hearing for extended inpatient or outpatient  
8 mental health services under Section 574.035 or 574.0355, the court  
9 may not make its findings solely from the certificates of medical  
10 examination for mental illness but shall hear testimony. The court  
11 may not enter an order for extended mental health services unless  
12 appropriate findings are made and are supported by testimony taken  
13 at the hearing. The testimony must include competent medical or  
14 psychiatric testimony.

15 SECTION 10. The heading to Section 574.034, Health and  
16 Safety Code, is amended to read as follows:

17 Sec. 574.034. ORDER FOR TEMPORARY INPATIENT MENTAL HEALTH  
18 SERVICES.

19 SECTION 11. Sections 574.034(g) and (h), Health and Safety  
20 Code, are amended to read as follows:

21 (g) An order for temporary inpatient [~~or outpatient~~] mental  
22 health services shall state that treatment is authorized for not  
23 longer than 45 days, except that the order may specify a period not  
24 to exceed 90 days if the judge finds that the longer period is  
25 necessary.

26 (h) A judge may not issue an order for temporary inpatient  
27 [~~or outpatient~~] mental health services for a proposed patient who

1 is charged with a criminal offense that involves an act, attempt, or  
2 threat of serious bodily injury to another person.

3 SECTION 12. Subchapter C, Chapter 574, Health and Safety  
4 Code, is amended by adding Section 574.0345 to read as follows:

5 Sec. 574.0345. ORDER FOR TEMPORARY OUTPATIENT MENTAL HEALTH  
6 SERVICES. (a) The judge may order a proposed patient to receive  
7 court-ordered extended outpatient mental health services only if:

8 (1) the judge finds that appropriate mental health  
9 services are available to the proposed patient; and

10 (2) the judge or jury finds, from clear and convincing  
11 evidence, that:

12 (A) the proposed patient is a person with severe  
13 and persistent mental illness;

14 (B) as a result of the mental illness, the  
15 proposed patient will, if not treated, experience deterioration of  
16 the ability to function independently to the extent that the  
17 proposed patient will be unable to live safely in the community  
18 without court-ordered outpatient mental health services;

19 (C) outpatient mental health services are needed  
20 to prevent a relapse that would likely result in serious harm to the  
21 proposed patient or others; and

22 (D) the proposed patient has an inability to  
23 participate in outpatient treatment services effectively and  
24 voluntarily, demonstrated by:

25 (i) any of the proposed patient's actions  
26 occurring within the two-year period that immediately precedes the  
27 hearing; or

1                   (ii) specific characteristics of the  
2 proposed patient's clinical condition that significantly impair  
3 the proposed patient's ability to make a rational and informed  
4 decision whether to submit to voluntary outpatient treatment.

5           (b) To be clear and convincing under Subsection (a)(2), the  
6 evidence must include expert testimony and evidence of a recent  
7 overt act or a continuing pattern of behavior that tends to confirm:

8                   (1) the deterioration of ability to function  
9 independently to the extent that the proposed patient will be  
10 unable to live safely in the community;

11                   (2) the need for outpatient mental health services to  
12 prevent a relapse that would likely result in serious harm to the  
13 proposed patient or others; and

14                   (3) the proposed patient's inability to participate in  
15 outpatient treatment services effectively and voluntarily.

16           (c) An order for temporary outpatient mental health  
17 services shall state that treatment is authorized for not longer  
18 than 45 days, except that the order may specify a period not to  
19 exceed 90 days if the judge finds that the longer period is  
20 necessary.

21           (d) A judge may not issue an order for temporary outpatient  
22 mental health services for a proposed patient who is charged with a  
23 criminal offense that involves an act, attempt, or threat of  
24 serious bodily injury to another person.

25           SECTION 13. The heading to Section 574.035, Health and  
26 Safety Code, is amended to read as follows:

27           Sec. 574.035. ORDER FOR EXTENDED INPATIENT MENTAL HEALTH



1 SERVICES.

2 SECTION 14. Sections 574.035(d), (h), and (i), Health and  
3 Safety Code, are amended to read as follows:

4 (d) The jury or judge is not required to make the finding  
5 under Subsection (a)(4) [~~or (b)(2)(F)~~] if the proposed patient has  
6 already been subject to an order for extended mental health  
7 services.

8 (h) An order for extended inpatient [~~or outpatient~~] mental  
9 health services shall state that treatment is authorized for not  
10 longer than 12 months. The order may not specify a shorter period.

11 (i) A judge may not issue an order for extended inpatient  
12 [~~or outpatient~~] mental health services for a proposed patient who  
13 is charged with a criminal offense that involves an act, attempt, or  
14 threat of serious bodily injury to another person.

15 SECTION 15. Subchapter C, Chapter 574, Health and Safety  
16 Code, is amended by adding Section 574.0355 to read as follows:

17 Sec. 574.0355. ORDER FOR EXTENDED OUTPATIENT MENTAL HEALTH  
18 SERVICES. (a) The judge may order a proposed patient to receive  
19 court-ordered temporary outpatient mental health services only if:

20 (1) the judge finds that appropriate mental health  
21 services are available to the proposed patient; and

22 (2) the judge or jury finds, from clear and convincing  
23 evidence, that:

24 (A) the proposed patient is a person with severe  
25 and persistent mental illness;

26 (B) as a result of the mental illness, the  
27 proposed patient will, if not treated, experience deterioration of

1 the ability to function independently to the extent that the  
2 proposed patient will be unable to live safely in the community  
3 without court-ordered outpatient mental health services;

4 (C) outpatient mental health services are needed  
5 to prevent a relapse that would likely result in serious harm to the  
6 proposed patient or others;

7 (D) the proposed patient has an inability to  
8 participate in outpatient treatment services effectively and  
9 voluntarily, demonstrated by:

10 (i) any of the proposed patient's actions  
11 occurring within the two-year period that immediately precedes the  
12 hearing; or

13 (ii) specific characteristics of the  
14 proposed patient's clinical condition that significantly impair  
15 the proposed patient's ability to make a rational and informed  
16 decision whether to submit to voluntary outpatient treatment;

17 (E) the proposed patient's condition is expected  
18 to continue for more than 90 days; and

19 (F) the proposed patient has received:

20 (i) court-ordered inpatient mental health  
21 services under this subtitle or under Subchapter D or E, Chapter  
22 46B, Code of Criminal Procedure, for a total of at least 60 days  
23 during the preceding 12 months; or

24 (ii) court-ordered outpatient mental  
25 health services under this subtitle or under Subchapter D or E,  
26 Chapter 46B, Code of Criminal Procedure, during the preceding 60  
27 days.

1       (b) The jury or judge is not required to make the finding  
2 under Subsection (a)(2)(F) if the proposed patient has already been  
3 subject to an order for extended mental health services.

4       (c) To be clear and convincing under Subsection (a)(2), the  
5 evidence must include expert testimony and evidence of a recent  
6 overt act or a continuing pattern of behavior that tends to confirm:

7           (1) the deterioration of ability to function  
8 independently to the extent that the proposed patient will be  
9 unable to live safely in the community;

10           (2) the need for outpatient mental health services to  
11 prevent a relapse that would likely result in serious harm to the  
12 proposed patient or others; and

13           (3) the proposed patient's inability to participate in  
14 outpatient treatment services effectively and voluntarily.

15       (d) An order for extended outpatient mental health services  
16 must state that treatment is authorized for not longer than 12  
17 months. The order may not specify a shorter period.

18       (e) A judge may not issue an order for extended outpatient  
19 mental health services for a proposed patient who is charged with a  
20 criminal offense that involves an act, attempt, or threat of  
21 serious bodily injury to another person.

22       SECTION 16. Section 574.036(e), Health and Safety Code, is  
23 amended to read as follows:

24       (e) The judge may enter an order:

25           (1) committing the person to a mental health facility  
26 for inpatient care if the trier of fact finds that the person meets  
27 the commitment criteria prescribed by Section 574.034(a) or

1 574.035(a); or

2 (2) committing the person to outpatient mental health  
3 services if the trier of fact finds that the person meets the  
4 commitment criteria prescribed by Section 574.0345(a) [~~574.034(b)~~]  
5 or 574.0355(a) [~~574.035(b)~~].

6 SECTION 17. Sections 574.037(b-2) and (c-2), Health and  
7 Safety Code, are amended to read as follows:

8 (b-2) The person responsible for the services shall submit  
9 the program to the court before the hearing under Section 574.034,  
10 574.0345, [~~or~~] 574.035, or 574.0355 or before the court modifies an  
11 order under Section 574.061, as appropriate.

12 (c-2) A court may [~~, on its own motion,~~] set a status  
13 conference in accordance with Section 574.0665 [~~with the person~~  
14 ~~responsible for the services, the patient, and the patient's~~  
15 ~~attorney~~].

16 SECTION 18. Sections 574.061(a), (b), (c), (d), (e), and  
17 (h), Health and Safety Code, are amended to read as follows:

18 (a) The facility administrator of a facility to which a  
19 patient is committed for inpatient mental health services, not  
20 later than the 30th day after the date the patient is committed to  
21 the facility, shall assess the appropriateness of transferring the  
22 patient to outpatient mental health services. The facility  
23 administrator may recommend that [~~may request~~] the court that  
24 entered the commitment order [~~to~~] modify the order to require the  
25 patient to participate in outpatient mental health services.

26 (b) A [~~The~~] facility administrator's recommendation under  
27 Subsection (a) [~~request~~] must explain in detail the reason for the

1 recommendation [~~request~~]. The recommendation [~~request~~] must be  
2 accompanied by a supporting certificate of medical examination for  
3 mental illness signed by a physician who examined the patient  
4 during the seven days preceding the recommendation [~~request~~].

5 (c) The patient shall be given notice of a facility  
6 administrator's recommendation under Subsection (a) [~~the request~~].

7 (d) On request of the patient or any other interested  
8 person, the court shall hold a hearing on a facility  
9 administrator's recommendation that the court modify the  
10 commitment order [~~the request~~]. The court shall appoint an  
11 attorney to represent the patient at the hearing and shall consult  
12 with the local mental health authority before issuing a decision.  
13 The hearing shall be held before the court without a jury and as  
14 prescribed by Section 574.031. The patient shall be represented by  
15 an attorney and receive proper notice.

16 (e) If a hearing is not requested, the court may make a [~~the~~]  
17 decision regarding a facility administrator's recommendation based  
18 on:

- 19 (1) [~~solely from~~] the recommendation;  
20 (2) [~~request and~~] the supporting certificate; and  
21 (3) consultation with the local mental health  
22 authority concerning available resources to treat the patient.

23 (h) A modified order may [~~not~~] extend beyond the term of the  
24 original order, but may not exceed the term of the original order by  
25 60 days.

26 SECTION 19. Subchapter E, Chapter 574, Health and Safety  
27 Code, is amended by adding Section 574.0665 to read as follows:

1       Sec. 574.0665. STATUS CONFERENCE. A court on its own motion  
2 may set a status conference with the patient, the patient's  
3 attorney, and the person designated to be responsible for the  
4 patient's court-ordered outpatient services under Section 574.037.

5       SECTION 20. Section 574.069(e), Health and Safety Code, is  
6 amended to read as follows:

7       (e) The court shall dismiss the request if the court finds  
8 from clear and convincing evidence that the patient continues to  
9 meet the criteria for court-ordered extended mental health services  
10 prescribed by Section 574.035 or 574.0355.

11       SECTION 21. Section 574.081, Health and Safety Code, is  
12 amended by amending Subsections (b) and (c) and adding Subsections  
13 (a-1), (a-2), and (c-1) to read as follows:

14       (a-1) In this section, "state hospital" means a mental  
15 health facility that:

16               (1) can provide 24-hour residential and psychiatric  
17 services; and

18               (2) is a facility operated by the department.

19       (a-2) Subject to available resources, Subsection (a)  
20 applies to a patient scheduled to be furloughed or discharged from a  
21 state hospital or a private mental health facility if the patient's  
22 treatment at the state hospital or private mental health facility  
23 occurs under a contract and private psychiatric bed statement of  
24 work between the state hospital or private mental health facility  
25 and the commission.

26       (b) The physician shall prepare the plan as prescribed by  
27 commission [~~department~~] rules and shall consult the patient and the

1 local mental health authority in the area in which the patient will  
2 reside before preparing the plan. The local mental health  
3 authority shall be informed of and must participate in planning the  
4 discharge of a patient [~~is not required to participate in preparing~~  
5 ~~a plan for a patient furloughed or discharged from a private mental~~  
6 ~~health facility~~].

7 (c) The plan must address the patient's mental health and  
8 physical needs, including, if appropriate:

9 (1) the need for outpatient mental health services  
10 following furlough or discharge; and

11 (2) the need for sufficient psychoactive medication on  
12 furlough or discharge to last until the patient can see a  
13 physician [~~and~~

14 [~~(2) the person or entity that is responsible for~~  
15 ~~providing and paying for the medication~~].

16 (c-1) Except as otherwise specified in the plan and subject  
17 to available funding provided to the commission and paid to a  
18 private mental health facility for this purpose, a private mental  
19 health facility that is contracting with a local mental health  
20 authority is responsible for providing or paying for psychoactive  
21 medication and any other medication prescribed to the patient to  
22 counteract adverse side effects of psychoactive medication on  
23 furlough or discharge sufficient to last until the patient can see a  
24 physician. The commission shall adopt rules to determine the  
25 quantity and manner of providing psychoactive medication, as  
26 required by this section. The executive commissioner may not adopt  
27 rules requiring a mental health facility to provide or pay for

1 psychoactive medication for more than seven days after furlough or  
2 discharge.

3 SECTION 22. Sections 574.104(a), (b), and (d), Health and  
4 Safety Code, are amended to read as follows:

5 (a) A physician who is treating a patient may, on behalf of  
6 the state, file an application in a probate court or a court with  
7 probate jurisdiction for an order to authorize the administration  
8 of a psychoactive medication regardless of the patient's refusal  
9 if:

10 (1) the physician believes that the patient lacks the  
11 capacity to make a decision regarding the administration of the  
12 psychoactive medication;

13 (2) the physician determines that the medication is  
14 the proper course of treatment for the patient;

15 (3) the patient is under an order for inpatient mental  
16 health services under this chapter or other law or an application  
17 for court-ordered mental health services under Section 574.034,  
18 574.0345, [~~or~~] 574.035, or 574.0355 has been filed for the patient;  
19 and

20 (4) the patient, verbally or by other indication,  
21 refuses to take the medication voluntarily.

22 (b) An application filed under this section must state:

23 (1) that the physician believes that the patient lacks  
24 the capacity to make a decision regarding administration of the  
25 psychoactive medication and the reasons for that belief;

26 (2) each medication the physician wants the court to  
27 compel the patient to take;



1           (3) whether an application for court-ordered mental  
2 health services under Section 574.034, 574.0345, [~~or~~] 574.035, or  
3 574.0355 has been filed;

4           (4) whether a court order for inpatient mental health  
5 services for the patient has been issued and, if so, under what  
6 authority it was issued;

7           (5) the physician's diagnosis of the patient; and

8           (6) the proposed method for administering the  
9 medication and, if the method is not customary, an explanation  
10 justifying the departure from the customary methods.

11           (d) The hearing on the application may be held on the date of  
12 a hearing on an application for court-ordered mental health  
13 services under Section 574.034, 574.0345, [~~or~~] 574.035, or 574.0355  
14 but shall be held not later than 30 days after the filing of the  
15 application for the order to authorize psychoactive medication. If  
16 the hearing is not held on the same day as the application for  
17 court-ordered mental health services under those sections [~~Section~~  
18 ~~574.034 or 574.035~~] and the patient is transferred to a mental  
19 health facility in another county, the court may transfer the  
20 application for an order to authorize psychoactive medication to  
21 the county where the patient has been transferred.

22           SECTION 23. Section 574.151, Health and Safety Code, is  
23 amended to read as follows:

24           Sec. 574.151. APPLICABILITY. This subchapter applies only  
25 to a person for whom a motion for court-ordered mental health  
26 services is filed under Section 574.001, for whom a final order on  
27 that motion has not been entered under Section 574.034, 574.0345,

1 [~~or~~] [574.035](#), or 574.0355 and who requests voluntary admission to  
2 an inpatient mental health facility:

3 (1) while the person is receiving at that facility  
4 involuntary inpatient services under Subchapter B or under Chapter  
5 [573](#); or

6 (2) before the 31st day after the date the person was  
7 released from that facility under Section [573.023](#) or [574.028](#).

8 SECTION 24. Section [152.00164](#)(b), Human Resources Code, is  
9 amended to read as follows:

10 (b) Before a child who is identified as having a mental  
11 illness is discharged from the custody of the juvenile board or  
12 local juvenile probation department under Section [152.00163](#)(b),  
13 the juvenile board or local juvenile probation department shall  
14 arrange for a psychiatrist to examine the child. The juvenile board  
15 or local juvenile probation department shall refer a child  
16 requiring outpatient psychiatric treatment to the appropriate  
17 mental health authority. For a child requiring inpatient  
18 psychiatric treatment, the juvenile board or local juvenile  
19 probation department shall file a sworn application for  
20 court-ordered mental health services, as provided in Subchapter C,  
21 Chapter [574](#), Health and Safety Code, if:

22 (1) the child is not receiving court-ordered mental  
23 health services; and

24 (2) the psychiatrist who examined the child determines  
25 that the child has a mental illness and the child meets at least one  
26 of the criteria listed in Section [574.034](#) or [574.035](#), Health and  
27 Safety Code.

1 SECTION 25. Section 244.012(b), Human Resources Code, is  
2 amended to read as follows:

3 (b) Before a child who is identified as mentally ill is  
4 discharged from the department's custody under Section 244.011(b),  
5 a department psychiatrist shall examine the child. The department  
6 shall refer a child requiring outpatient psychiatric treatment to  
7 the appropriate mental health authority. For a child requiring  
8 inpatient psychiatric treatment, the department shall file a sworn  
9 application for court-ordered mental health services, as provided  
10 in Subchapter C, Chapter 574, Health and Safety Code, if:

11 (1) the child is not receiving court-ordered mental  
12 health services; and

13 (2) the psychiatrist who examined the child determines  
14 that the child is mentally ill and the child meets at least one of  
15 the criteria listed in Section 574.034 or 574.035, Health and  
16 Safety Code.

17 SECTION 26. The Supreme Court shall:

18 (1) adopt rules to streamline and promote the  
19 efficiency of court processes under Chapter 573, Health and Safety  
20 Code; and

21 (2) adopt rules or implement other measures to create  
22 consistency and increase access to the judicial branch for mental  
23 health issues.

24 SECTION 27. The following sections of the Health and Safety  
25 Code are repealed:

26 (1) Sections 574.034(b), (e), and (f); and

27 (2) Sections 574.035(b), (f), and (g).

1           SECTION 28. The Health and Human Services Commission is  
2 required to implement a provision of this Act only if the  
3 legislature appropriates money specifically for that purpose. If  
4 the legislature does not appropriate money specifically for that  
5 purpose, the Health and Human Services Commission may, but is not  
6 required to, implement a provision of this Act using other  
7 appropriations available for that purpose.

8           SECTION 29. The changes in law made by this Act to Chapter  
9 574, Health and Safety Code, apply to a commitment proceeding under  
10 that chapter that occurs on or after the effective date of this Act,  
11 regardless of whether conduct of a proposed patient being evaluated  
12 for that purpose occurred before, on, or after the effective date of  
13 this Act.

14           SECTION 30. The changes in law made by this Act to Article  
15 16.22, Code of Criminal Procedure, and Chapter 574, Health and  
16 Safety Code, apply to a proceeding for court-ordered mental health  
17 services that occurs on or after the effective date of this Act,  
18 regardless of when an offense with which the defendant is charged  
19 was committed.

20           SECTION 31. This Act takes effect September 1, 2019.