

By: Zaffirini, Lucio

S.B. No. 1293

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the authority of certain courts to employ attorneys as
3 mental health public defenders and to the reimbursement of an
4 attorney who represents an indigent proposed patient in certain
5 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. (a) This
10 section applies only to a county with a population of 800,000 or
11 more.

12 (b) A court with primary responsibility for mental illness
13 proceedings for that county, subject to an appropriation from the
14 commissioners court of the county in which the court is located, may
15 employ attorneys as mental health public defenders to provide
16 proposed patients with legal representation in a proceeding under
17 Chapter 574.

18 Sec. 571.0169. REPRESENTATION OF PROPOSED PATIENT. The
19 court shall appoint an attorney employed as a mental health public
20 defender described by Section 571.0168, a public defender other
21 than a mental health public defender, or a private attorney to
22 represent a proposed patient in any proceeding under Chapter 574.

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

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

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