

By: Zaffirini, et al.
(Hinojosa)

S.B. No. 1293

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

By: Smith

C.S.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 in a county to which this section applies, with the
14 permission of the commissioners court of that county, may employ
15 attorneys as mental health public defenders to provide proposed
16 patients with legal representation in a proceeding under Chapter
17 574.

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

24 (b) If the county employs a public defender other than a

1 mental health public defender that is assigned to a court with
2 primary responsibility for mental illness proceedings for that
3 county, the court must appoint that public defender to represent a
4 proposed patient in a proceeding under Chapter 574 unless the court
5 enters in the record a statement of the reason the court is unable
6 to appoint that public defender.

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

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

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