

1-1 By: Zaffirini S.B. No. 1293  
 1-2 (In the Senate - Filed February 28, 2019; March 7, 2019,  
 1-3 read first time and referred to Committee on State Affairs;  
 1-4 April 17, 2019, reported adversely, with favorable Committee  
 1-5 Substitute by the following vote: Yeas 9, Nays 0; April 17, 2019,  
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1293 By: Zaffirini

1-19 A BILL TO BE ENTITLED  
 1-20 AN ACT

1-21 relating to the authority of certain courts to employ attorneys as  
 1-22 mental health public defenders and to the reimbursement of an  
 1-23 attorney who represents an indigent proposed patient in certain  
 1-24 mental health proceedings.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 SECTION 1. Chapter 571, Health and Safety Code, is amended  
 1-27 by adding Sections 571.0168 and 571.0169 to read as follows:

1-28 Sec. 571.0168. MENTAL HEALTH PUBLIC DEFENDERS. (a) This  
 1-29 section applies only to a county with a population of 800,000 or  
 1-30 more.

1-31 (b) A court with primary responsibility for mental illness  
 1-32 proceedings for that county, subject to an appropriation from the  
 1-33 commissioners court of the county in which the court is located, may  
 1-34 employ attorneys as mental health public defenders to provide  
 1-35 proposed patients with legal representation in a proceeding under  
 1-36 Chapter 574.

1-37 Sec. 571.0169. REPRESENTATION OF PROPOSED PATIENT. The  
 1-38 court shall appoint an attorney employed as a mental health public  
 1-39 defender described by Section 571.0168, a public defender other  
 1-40 than a mental health public defender, or a private attorney to  
 1-41 represent a proposed patient in any proceeding under Chapter 574.

1-42 SECTION 2. Section 574.010(b), Health and Safety Code, is  
 1-43 amended to read as follows:

1-44 (b) If the court determines that the proposed patient is  
 1-45 indigent, the court may authorize reimbursement to the attorney  
 1-46 representing the proposed patient [ad litem] for court-approved  
 1-47 expenses incurred in obtaining expert testimony and may order the  
 1-48 proposed patient's county of residence to pay the expenses.

1-49 SECTION 3. This Act takes effect September 1, 2019.

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