

BILL ANALYSIS

H.B. 1042
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Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

In the past, documents were commonly transmitted via fax and the ink on the faxed copies would fade a couple of days after receipt. Accordingly, laws created at the time required that when a court document was filed electronically, the original had to be filed within the next 72 hours. With the advancement of faxing technology, e-filing, and email, these requirements are no longer necessary and result in inefficient procedures. Moreover, it is necessary to clarify that sheriffs and constables are permitted to provide notice for mental health court proceedings. H.B. 1042 removes the antiquated requirement that a person file original documents after copies have been submitted to the court electronically and clarifies that the constable or sheriff can provide personal service for cases in courts with mental health jurisdiction.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 1042 amends the Health and Safety Code to specify that a personal delivery of a copy of a notice or document that is given for purposes of satisfying notice requirements under the Texas Mental Health Code be made by a constable or sheriff of the applicable county. The bill removes the requirement for a person who files a reproduced, photocopied, or electronically transmitted copy of a paper with the county clerk under the Texas Mental Health Code to provide an original signed copy of the paper within a specified period following the initial filing. The bill replaces this requirement with a requirement for the person to maintain possession of the original signed copies and to make the original paper available for inspection on request by the parties or the court.

H.B. 1042 repeals Section 571.014(d), Health and Safety Code, authorizing a judge to dismiss a proceeding and, in such an event, to order the immediate release of a proposed patient if the court clerk does not receive the original signed copy of the paper within the specified period.

EFFECTIVE DATE

September 1, 2023.