88R9758 MPF-F

By:  Johnson S.B. No. 1815

A BILL TO BE ENTITLED

AN ACT

relating to an application for emergency detention and procedures regarding court-ordered mental health services.

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

SECTION 1.  Section 573.012(h), Health and Safety Code, is amended to read as follows:

(h)  A judge or magistrate shall [~~may~~] permit an applicant who is a physician to present an application by:

(1)  e-mail with the application attached as a secure document in a portable document format (PDF); or

(2)  secure electronic means, including:

(A)  satellite transmission;

(B)  closed-circuit television transmission; or

(C)  any other method of two-way electronic communication that:

(i)  is secure;

(ii)  is available to the judge or magistrate; and

(iii)  provides for a simultaneous, compressed full-motion video and interactive communication of image and sound between the judge or magistrate and the applicant.

SECTION 2.  Section 574.001, Health and Safety Code, is amended by amending Subsection (b) and adding Subsections (g) and (h) to read as follows:

(b)  Except as provided by Subsection (f), the application must be filed with the county clerk in the county in which the proposed patient:

(1)  resides;

(2)  is located at the time the application is filed [~~is found~~]; [~~or~~]

(3)  was apprehended under Chapter 573; or

(4)  is receiving mental health services by court order or under Subchapter A, Chapter 573.

(g)  A judge or magistrate shall accept an application filed at any time that the judge or magistrate is on duty, regardless of whether the application is filed after 5:00 p.m. on a weekday, on a Saturday or Sunday, or on a state or national holiday.

(h)  A court shall allow an application to be filed under this section in the same manner as any other document filed with the court, including through the use of an electronic filing system established under Section 72.031, Government Code, if applicable.

SECTION 3.  Section 574.021, Health and Safety Code, is amended by adding Subsection (f) to read as follows:

(f)  A court shall allow the motion to be filed under this section in the same manner as any other document filed with the court, including through the use of an electronic filing system established under Section 72.031, Government Code, if applicable.

SECTION 4.  Section 574.022, Health and Safety Code, is amended by adding Subsection (f) to read as follows:

(f)  The judge or magistrate may not deny a motion for a protective custody order solely on the basis that the proposed patient was not emergency detained under Chapter 573 at the time that an application for court-ordered mental health services under this chapter was filed.

SECTION 5.  Section 574.031, Health and Safety Code, is amended by adding Subsection (d-3) to read as follows:

(d-3)  Notwithstanding Subchapter I, the court shall allow the competent medical or psychiatric testimony under Subsection (d-1) to be provided by closed-circuit video teleconferencing if:

(1)  closed-circuit video teleconferencing is available to the court for that purpose;

(2)  the court has good cause to not conduct in-person testimony, including that conducting the testimony through closed-circuit video teleconferencing would minimize the disruption of care to the testifying person's other patients; and

(3)  the closed-circuit video teleconferencing system provides for a simultaneous, compressed full-motion video and interactive communication of image and sound between all persons involved in the proceedings.

SECTION 6.  The change in law made by this Act to Section 574.001, Health and Safety Code, applies only to an application for court-ordered mental health services submitted on or after the effective date of this Act.

SECTION 7.  The change in law made by this Act to Section 573.012, Health and Safety Code, applies to an emergency detention that begins on or after the effective date of this Act. An emergency detention that begins before the effective date of this Act is governed by the law as it existed immediately before that date, and that law is continued in effect for that purpose.

SECTION 8.  The changes in law made by this Act to Chapter 574, Health and Safety Code, apply only to a proceeding for court-ordered mental health services that occurs on or after the effective date of this Act, regardless of when an offense with which the defendant is charged was committed.

SECTION 9.  This Act takes effect September 1, 2023.