

By: Hinojosa

H.B. No. 1042

A BILL TO BE ENTITLED

AN ACT

relating to certain notice and filing requirements in court proceedings involving persons with mental illness.

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

SECTION 1. Section 571.013, Health and Safety Code, is amended to read as follows:

Sec. 571.013. METHOD OF GIVING NOTICE. Except as otherwise provided by this subtitle, notice required under this subtitle may be given by:

(1) personal delivery of [delivering] a copy of the notice or document by a constable or sheriff of the county; [in person] or

(2) [in] another manner directed by the court that is reasonably calculated to give actual notice.

SECTION 2. Section 571.014(c), Health and Safety Code, is amended to read as follows:

(c) A person may ~~[initially]~~ file a paper with the county clerk by the use of reproduced, photocopied, or electronically transmitted paper copies of [if the person files] the original signed copies of the paper. A person who files a reproduced, photocopied, or electronically transmitted paper must maintain possession of the original signed copies of the paper and shall make the original paper available for inspection on request by the parties or the court [with the clerk not later than the 72nd hour

~~after the hour on which the initial filing is made. If the 72-hour period ends on a Saturday, Sunday, or legal holiday, the filing period is extended until 4 p.m. on the first succeeding business day. If extremely hazardous weather conditions exist or a disaster occurs, the presiding judge or magistrate may by written order made each day extend the filing period until 4 p.m. on the first succeeding business day. The written order must declare that an emergency exists because of the weather or the occurrence of a disaster. If a person detained under this subtitle would otherwise be released because the original signed copy of a paper is not filed within the 72-hour period but for the extension of the filing period under this section, the person may be detained until the expiration of the extended filing period. This subsection does not affect another provision of this subtitle requiring the release or discharge of a person].~~

SECTION 3. Section [571.014\(d\)](#), Health and Safety Code, is repealed.

SECTION 4. This Act takes effect September 1, 2023.