

By: Leach

H.B. No. 3504

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:

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

4 (1) resides;

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

7 (3) was apprehended under Chapter 573; or

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

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

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

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

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

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

26 (f) The judge or magistrate may not deny a motion for a
27 protective custody order solely on the basis that the proposed

1 patient was not emergency detained under Chapter 573 at the time
2 that an application for court-ordered mental health services under
3 this chapter was filed.

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

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

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

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

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

19 SECTION 6. The change in law made by this Act to Section
20 574.001, Health and Safety Code, applies only to an application for
21 court-ordered mental health services submitted on or after the
22 effective date of this Act.

23 SECTION 7. The change in law made by this Act to Section
24 573.012, Health and Safety Code, applies to an emergency detention
25 that begins on or after the effective date of this Act. An emergency
26 detention that begins before the effective date of this Act is
27 governed by the law as it existed immediately before that date, and

1 that law is continued in effect for that purpose.

2 SECTION 8. The changes in law made by this Act to Chapter
3 574, Health and Safety Code, apply only to a proceeding for
4 court-ordered mental health services that occurs on or after the
5 effective date of this Act, regardless of when an offense with which
6 the defendant is charged was committed.

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