

BILL ANALYSIS

Senate Research Center

S.B. 53
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Health & Human Services
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Decades ago, when fax-based communication was nascent, the ink in documents transmitted via fax would fade 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 provisions are no longer necessary and result in inefficient procedures. What's more, a lack of explicit authorization under the Health and Safety Code for sheriffs and constables to provide notice for mental health court proceedings results in them being more hesitant to participate in the process in some counties. S.B. 53 would clean up current law regarding filings and notice procedures in courts with mental health jurisdiction to increase efficiency.

As proposed, S.B. 53 amends current law relating to certain notice and filing requirements in court proceedings involving persons with mental illness.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 571.013, Health and Safety Code, as follows:

Sec. 571.013. METHOD OF GIVING NOTICE. Authorizes notice required under Subtitle C (Texas Mental Health Code), except as otherwise provided by this subtitle, to be given:

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

(2) creates this subdivision from existing text and makes no further changes.

SECTION 2. Amends Section 571.014(c), Health and Safety Code, as follows:

(c) Authorizes a person to file a paper with the county clerk by use of reproduced, photocopied, or electronically transmitted paper copies of the original signed copies of the paper. Requires a person who files a reproduced, photocopied, or electronically transmitted paper to maintain possession of the original signed copies of the paper and on request to make the original paper available for inspection by the parties or the court.

Deletes existing text authorizing a person to file a paper with the county clerk by the use of reproduced, photocopied, or electronically transmitted paper if the person files the original signed copies of the paper with the clerk not later than the 72nd hour after the hour on which the initial filing is made. Deletes existing text providing that 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. Deletes existing text authorizing the presiding judge or magistrate, by written order made each day, to, if extremely hazardous weather

conditions exist or a disaster occurs, extend the filing period until 4 p.m. on the first succeeding business day. Deletes existing text requiring that the written order declare that an emergency exists because of the weather or the occurrence of a disaster. Deletes existing text authorizing a person, if the 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, to be detained until the expiration of the extended filing period. Deletes existing text providing that this subsection does not affect another provision of this subtitle requiring the release or discharge of a person.

SECTION 3. Repealer: Section 571.014(d) (relating to a judge, if the clerk does not receive the original signed copy, being authorized to dismiss a proceeding and being required to order the release of a proposed patient if the proceeding is dismissed), Health and Safety Code.

SECTION 4. Effective date: September 1, 2025.