

BILL ANALYSIS

S.B. 53
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Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Decades ago, when fax-based communication was nascent, the ink in documents transmitted via fax would fade days after receipt. Accordingly, state law enacted at the time to authorize electronic filing of certain documents under the Texas Mental Health Code also requires that the original document be filed within 72 hours of the electronic filing. However, the bill sponsor has informed the committee that, with the advancement of faxing technology, e-filing, and email, this requirement is no longer necessary and results in inefficient procedures. Moreover, the bill sponsor has informed the committee that a lack of explicit authorization for constables and sheriffs to provide notice for mental health court proceedings has resulted in hesitation from these officers to participate in the process in some counties. S.B. 53 seeks to increase efficiency in mental health proceedings by removing certain outdated filing procedures and providing for notice by a constable or sheriff for such proceedings.

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

S.B. 53 amends the Health and Safety Code to replace the authorization for notice required under the Texas Mental Health Code to be given by delivering a copy of the notice or document in person with an authorization for such notice to be given by personal delivery of a copy of the notice or document by a constable or sheriff of the county.

S.B. 53 replaces the authorization for a person to initially file a paper permitted or required to be filed in a probate court or court having probate jurisdiction under the Texas Mental Health Code with the county clerk by the use of reproduced, photocopied, or electronically transmitted paper, contingent on the person filing 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, with the following provisions:

- an authorization to file such a paper with the county clerk by the use of reproduced, photocopied, or electronically transmitted paper copies of the original signed copies of the paper; and
- a requirement for a person who files a reproduced, photocopied, or electronically transmitted paper to maintain possession of the original signed copies of the paper and to make the original paper available for inspection by the parties or the court on request.

Accordingly, the bill removes provisions that provide for the extension of the filing period if the 72-hour period ends on the weekend or a legal holiday or in cases of extremely hazardous weather conditions or disaster and authorize the continued detention of a person who would otherwise be released because the signed original copies were not timely filed until the expiration of the extended filing period. The bill repeals the statutory provision authorizing a judge to dismiss the proceeding and order the immediate release of a proposed patient who is not at liberty if the clerk does not receive the original signed copy of a paper within the prescribed period.

S.B. 53 repeals Section 571.014(d), Health and Safety Code.

EFFECTIVE DATE

September 1, 2025.