

BILL ANALYSIS

Senate Research Center

H.B. 591
By: Thompson (Ellis)
Jurisprudence
4-18-97
Engrossed

DIGEST

Currently, counties trying mental health cases for other counties have been allowed to charge reasonable expenses and have a salary supplement authorized by the commissioner court for conducting hearings at state and private mental hospitals. It is unclear under the law whether the mental health judge's commissioners court or the commissioners court of the county responsible for the hearing's cost should set the expenses or supplement the out-of-county expenses. This bill would provide that the expenses reimbursed to a judge who holds such a hearing in locations other than the county courthouse is set by the commissioners court of the county responsible for the costs of the hearing and paid directly to the judge. Additionally, this bill would require the commissioners court of the county responsible for the costs of the hearing to set the amount of any salary supplement for a judge who holds the hearing in locations other than the county courthouse.

PURPOSE

As proposed, H.B. 591 provides that the expenses reimbursed to a judge who holds a hearing under Section 574.018(a), Health and Safety Code, in locations other than the county courthouse is set by the commissioners court in the county responsible for the costs of the hearing and paid directly to the judge. Additionally, this bill requires the commissioners court of the county responsible for the costs of the hearing to set the amount of any salary supplement for a judge who holds a hearing under Section 571.018(a), Health and Safety Code, in locations other than the county courthouse.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 574.031(h) and (i), Health and Safety Code, to require certain expenses to be collected as court costs in an amount set by the commissioners court of the county responsible for the costs of the hearing under Section 571.018(a); and paid directly to the judge. Authorizes a judge who holds hearings at locations other than the county courthouse to receive a reasonable salary supplement in an amount set by the commissioners court of the county responsible for the costs of the hearing under Section 571.018(a) and paid directly to the judge.

SECTION 2. Amends Section 574.031, Health and Safety Code, by adding Subsection (j), to authorize a fee taxed as costs in an amount not to exceed \$25 to be assessed as a court cost by the judge trying a mental health services case against a county responsible for payment of costs under Section 571.018 for the services of a prosecuting attorney.

SECTION 3. Amends Section 571.018(c), Health and Safety Code, to provide that costs under this section include, among others, costs and salary supplements as provided by Sections 574.031(h) and (i); and prosecutor's fees as authorized under Section 574.031(j). Makes conforming changes.

SECTION 4. Emergency clause.
Effective date: upon passage.