

BILL ANALYSIS

Senate Research Center
77R11203 JJT-F

H.B. 1073
By: Farabee (Moncrief)
Jurisprudence
5/8/2001
Engrossed

DIGEST AND PURPOSE

In many involuntary civil commitment proceedings, emergency detention is the first step in the process, which occurs before a case is filed with the court. Emergency detention may or may not lead to the filing of an application for court ordered mental health services. If such an application is not filed, the court does not become involved. Some mental health facilities refuse to admit patients under an emergency detention provision and demand that the courts issue orders of protective custody to detain a proposed patient until a final commitment hearing. The facilities rely on current law which provides that a probate court or a court having probate jurisdiction is required to be open at all times for mental health proceedings. Such a requirement may be burdensome for the participants and costly for the county responsible for payment. H.B. 1073 changes the hours of operation of a probate court from requiring it to be open at all times to require it to be open only during normal business hours and requires the probate judge or magistrate to be available at all times at the request of certain persons.

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 571.012, Health and Safety Code, as follows:

Sec. 571.012. New heading: COURT HOURS; AVAILABILITY OF JUDGE OR MAGISTRATE. Requires the probate court or court having probate jurisdiction to be open for proceedings under this subtitle during normal business hours. Requires the probate judge or magistrate to be available at all times at the request of a person apprehended or detained under Chapter 573, or a proposed patient under Chapter 574.

SECTION 2. Effective date: upon passage or September 1, 2001.