

BILL ANALYSIS

Senate Research Center
77R9876 SMJ-D

S.B. 1767
By: Carona
Health & Human Services
3/29/2001
As Filed

DIGEST AND PURPOSE

Under current Texas law, an order of protective custody is necessary to transfer a person who has been admitted under emergency detention from a county mental health facility to a facility of the single portal authority or an appropriate inpatient mental health facility. As proposed, S.B. 1767 authorizes certain judges to designate magistrates, including criminal magistrates, to sign orders of protective custody.

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 574.021(e), Health and Safety Code, to authorize the judge of the court in which the application is pending to designate a magistrate, including a magistrate appointed by the judge of another court, to issue protective custody. Deletes existing text pertaining to a judge's absence. Provides that a magistrate's duty under this section is in addition to the magistrate's duties prescribed by other law.

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