

BILL ANALYSIS

Senate Research Center
83R5193 AED-D

S.B. 250
By: West
Jurisprudence
2/15/2013
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Section 574.202 (Certain Testimony by Closed-Circuit Video Teleconferencing Permitted), Health and Safety Code, allows commitment hearings to be conducted via video teleconferencing. That same section also allows doctors and health professionals to testify at commitment proceedings via video teleconferencing.

This bill codifies common practice and assures that the patient is able to communicate privately with his or her attorney during the proceeding, by requiring that the patient and the patient's attorney be in the same room during the hearing or testimony.

As proposed, S.B. 250 amends current law relating to the requirements of using certain technology to conduct certain mental health hearings or proceedings.

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 574.202(a), Health and Safety Code, to authorize a judge or magistrate to permit a physician or a nonphysician mental health professional to testify at a hearing or proceeding by closed-circuit video teleconferencing if certain criteria are met, including that the proposed patient is in the same location for the hearing or proceeding as the proposed patient's attorney.

SECTION 2. Amends Section 574.203(a), Health and Safety Code, to authorize a hearing to be conducted in accordance with this chapter (Court-Ordered Mental Health Services) but conducted by secure electronic means, including satellite transmission, closed-circuit television transmission, or any other method of two-way electronic communication that is secure, available to the parties, approved by the court, and capable of visually and audibly recording the proceedings, if certain criteria are met, including that the proposed patient is in the same location for the hearing as the proposed patient's attorney.

SECTION 3. Effective date: September 1, 2013.