

BILL ANALYSIS

Senate Research Center
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S.B. 395
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Health & Human Services
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The purpose of S.B. 395 is to clean up filings and notice procedures in courts with mental health jurisdiction. A couple of decades ago, the ink in documents transmitted via fax would fade a couple of days after receipt. Accordingly, laws created at the time required that when a court document was filed electronically, the original had to be filed within the next 72 hours. With the advancement of faxing technology, e-filing, and e-mail, these provisions are no longer necessary and result in inefficient procedures. What's more, it is necessary to clarify in the Health and Safety Code that sheriffs and constables are permitted to provide notice for mental health court proceedings. Lack of clarity in the relevant statute results in sheriffs and constables being more hesitant to participate in the process.

S.B. 395 would remove the antiquated requirement that a person must file original documents after copies have been submitted to the court electronically. This change would increase efficiency in courts with mental health jurisdiction. S.B. 395 also would clarify that the constable or sheriff can provide personal service for cases in courts with mental health jurisdiction. This change would make constables and sheriffs more likely to cooperate with these courts and make the Health and Safety Code consistent with the Estates Code.

As proposed, S.B. 395 amends current law relating to certain notice requirements and filing requirements in court proceedings involving persons with mental illness.

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 571.013. Health and Safety Code, as follows:

Sec. 571.013. METHOD OF GIVING NOTICE. Provides that, except as otherwise provided by this subtitle, notice required under this subtitle may be given by:

- (1) personal delivery of a copy of the notice or document by a constable or sheriff of the county, rather than by delivering a copy of the notice or document in person; or
- (2) creates this subdivision from existing text. Makes a nonsubstantive change.

SECTION 2. Amends Section 571.014(c), Health and Safety Code,

(c) Authorizes a person to file 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, rather than authorizing a person to initially file the paper with the county clerk if the person files the original signed copies of the paper. Requires a person who files a reproduced, photocopied, or electronically transmitted paper to maintain possession of the original signed copies of the paper and make the original paper available for

inspection on request by the parties or the court. Deletes existing text detailing the procedure for extended filing deadlines.

SECTION 3. Repealer: Section 571.014(d) (relating to instances when the clerk does not receive the original signed copy of the paper within the prescribed period), Health and Safety Code.

SECTION 4. Effective date: September 1, 2019.