

AN ACT

relating to the use of certain technology to conduct certain mental health proceedings.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 573.012, Health and Safety Code, is amended by amending Subsection (a) and adding Subsections (h) and (1) to read as follows:

(a) Except as provided by Subsection (h), an [An] applicant for emergency detention must present the application personally to a judge or magistrate. The judge or magistrate shall examine the application and may interview the applicant. Except as provided by Subsection (g), the judge of a court with probate jurisdiction by administrative order may provide that the application must be:

(1) presented personally to the court; or

(2) retained by court staff and presented to another judge or magistrate as soon as is practicable if the judge of the court is not available at the time the application is presented.

(h) A judge or magistrate may permit an applicant who is a physician to present an application by secure electronic means, including satellite transmission, closed-circuit television transmission, or any other method of two-way electronic communication that:

(1) is secure;

(2) is available to the judge or magistrate; and

1 (3) provides for a simultaneous, compressed
2 full-motion video and interactive communication of image and sound
3 between the judge or magistrate and the applicant.

4 (1) The judge or magistrate shall provide for a recording of
5 the presentation of an application under Subsection (h) to be made
6 and preserved until the patient or proposed patient has been
7 released or discharged. The patient or proposed patient may obtain
8 a copy of the recording on payment of a reasonable amount to cover
9 the costs of reproduction or, if the patient or proposed patient is
10 indigent, the court shall provide a copy on the request of the
11 patient or proposed patient without charging a cost for the copy.

12 SECTION 2. The heading to Subchapter I, Chapter 574, Health
13 and Safety Code, is amended to read as follows:

14 SUBCHAPTER I. USE OF VIDEO TECHNOLOGY [~~TESTIMONY BY~~
15 ~~CLOSED-CIRCUIT VIDEO TELECONFERENCING~~] AT PROCEEDINGS

16 SECTION 3. Subchapter I, Chapter 574, Health and Safety
17 Code, is amended by adding Section 574.203 to read as follows:

18 Sec. 574.203. USE OF SECURE ELECTRONIC COMMUNICATION METHOD
19 IN CERTAIN PROCEEDINGS UNDER THIS CHAPTER. (a) A hearing may be
20 conducted in accordance with this chapter but conducted by secure
21 electronic means, including satellite transmission, closed-circuit
22 television transmission, or any other method of two-way electronic
23 communication that is secure, available to the parties, approved by
24 the court, and capable of visually and audibly recording the
25 proceedings, if:

26 (1) written consent to the use of a secure electronic
27 communication method for the hearing is filed with the court by:

1 (A) the proposed patient or the attorney
2 representing the proposed patient; and

3 (B) the county or district attorney, as
4 appropriate;

5 (2) the secure electronic communication method
6 provides for a simultaneous, compressed full-motion video, and
7 interactive communication of image and sound among the judge,
8 associate judge, or master, the county or district attorney, the
9 attorney representing the proposed patient, and the proposed
10 patient; and

11 (3) on request of the proposed patient or the attorney
12 representing the proposed patient, the proposed patient and the
13 attorney can communicate privately without being recorded or heard
14 by the judge, associate judge, or master or the county or district
15 attorney.

16 (b) On the motion of the patient or proposed patient, the
17 attorney representing the patient or proposed patient, or the
18 county or district attorney or on the court's own motion, the court
19 may terminate an appearance made through a secure electronic
20 communication method at any time during the appearance and require
21 an appearance by the patient or proposed patient in open court.

22 (c) The court shall provide for a recording of the
23 communication to be made and preserved until any appellate
24 proceedings have been concluded. The patient or proposed patient
25 may obtain a copy of the recording on payment of a reasonable amount
26 to cover the costs of reproduction or, if the patient or proposed
27 patient is indigent, the court shall provide a copy on the request

S.B. No. 778

1 of the patient or proposed patient without charging a cost for the
2 copy.

3 SECTION 4. This Act takes effect September 1, 2007. _____

David Newkum
President of the Senate

Tom Caspiche
Speaker of the House

I hereby certify that S.B. No. 778 passed the Senate on April 12, 2007, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 24, 2007, by the following vote: Yeas 30, Nays 0. _____

Ratsy Spaw
Secretary of the Senate

I hereby certify that S.B. No. 778 passed the House, with amendment, on May 23, 2007, by the following vote: Yeas 144, Nays 0, two present not voting. _____

Robert Haney
Chief Clerk of the House

Approved:

15 JUN 07
Date

Rick Perry
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
7 PM O'CLOCK

ROGER WILLIAMS
Secretary of State