

## **BILL ANALYSIS**

C.S.S.B. 1293  
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Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

It has been suggested that courts with mental health jurisdiction need improvements in procedural clarity and efficiency, specifically the authority to establish a mental health public defender office and to provide proposed patients of court-ordered mental health services with legal representation provided by attorneys associated with that office. C.S.S.B. 1293 seeks to address this issue and provide certain counties the option to save money on the provision of counsel for indigent persons in certain mental health proceedings while also improving the quality of representation provided.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.S.B. 1293 amends the Health and Safety Code to authorize a court with primary responsibility for mental illness proceedings in a county with a population of 800,000 or more, with the permission of the county commissioners court, to employ attorneys as mental health public defenders to provide proposed patients with legal representation in a proceeding regarding court-ordered mental health services under the Texas Mental Health Code.

C.S.S.B. 1293 requires a court to appoint an attorney employed as a mental health public defender, a public defender other than a mental health public defender, or a private attorney to represent a proposed patient in any such proceeding. The bill requires a court with primary responsibility for mental illness proceedings for a county that employs a public defender other than a mental health public defender that is assigned to the court to appoint that public defender to represent a proposed patient in such a proceeding unless the court enters in the record a statement of the reason the court is unable to appoint that public defender.

### **EFFECTIVE DATE**

September 1, 2019.

### **COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE**

While C.S.S.B. 1293 may differ from the engrossed in minor or nonsubstantive ways, the following summarizes the substantial differences between the engrossed and committee

substitute versions of the bill.

The substitute does not subject an applicable court's authority to employ attorneys as mental health public defenders to a specific appropriation from the commissioners court in the county in which the court is located, but the substitute requires the permission of the commissioners court for that employment.

The substitute includes a provision requiring such a court in a county that employs a public defender other than a mental health public defender that is assigned to the court to appoint that public defender to represent a proposed patient in certain proceedings under the Texas Mental Health Code unless the court enters in the record a statement of the reason the court is unable to appoint that public defender.