

- SUBJECT:** Requiring personal service of certain notices by a constable or sheriff
- COMMITTEE:** Public Health — favorable, without amendment
- VOTE:** 10 ayes — Price, Sheffield, Arévalo, Burkett, Coleman, Collier, Cortez, Guerra, Klick, Oliverson
- 0 nays
- 1 absent — Zedler
- SENATE VOTE:** On final passage, May 4 — 31-0, on Local and Uncontested Calendar
- WITNESSES:** For — Guy Herman, Statutory Probate Court Judge; (*Registered, but did not testify*: Lee Johnson, Texas Council of Community Centers; Bryan Hebert, United Ways of Texas)
- Against — None
- BACKGROUND:** Health and Safety Code, sec. 571.013 requires that notices given in mental health proceedings be delivered in person or in another manner directed by the court that is reasonably calculated to give actual notice.
- Observers have questioned whether current law adequately protects the due process rights of these individuals.
- DIGEST:** SB 1912 would require that a constable or sheriff personally serve notice in mental health proceedings.
- The bill would remove a requirement that a person file an original signed paper copy of a signed document in a proceeding under the Texas Mental Health Code within a specified time frame before the court can accept an electronically transmitted or photocopied copy. Instead, a person could file an electronic copy of a document as long as the person retained the original copy and made it available to the parties or court upon request.

The bill also would allow courts, with the permission of the commissioners court, to create mental health public defender offices to provide legal assistance to proposed patients in commitment hearings. The bill would require a court to appoint an attorney affiliated with a public defender office, mental health or otherwise, or a private attorney in any proceeding to determine court-ordered mental health services.

The bill would remove a provision that authorizes dismissal of a proceeding if the clerk does not receive an original signed copy of a document.

The bill would take effect September 1, 2017.

NOTES: A companion bill, HB 3658 by Hinojosa, was referred to the Public Health Committee on March 31.