

BILL ANALYSIS

Senate Research Center

H.B. 1312
By: Naishtat (Moncrief)
Jurisprudence
5-1-97
Engrossed

DIGEST

Currently, provisions for the modification of orders for outpatient mental health treatment require a hearing to be held within 72 hours of the filed motion, excluding weekends and extreme emergencies. Having to prepare for a hearing in such a short time frame hinders the administration of justice by hampering the court's and the prosecutor's ability to prepare for the hearing. Additionally, a patient may be extremely debilitated during the first 72 hours of detention, but may stabilize by the end of a week. Holding the hearing at the end of a week would serve the patient's best interest while saving counties the cost of an inpatient commitment. This bill will provide additional regulations regarding the modification of an order for outpatient mental health services and the temporary detention of a patient pending a hearing on the modification.

PURPOSE

As proposed, H.B. 1312 provides additional regulations regarding the modification of an order for outpatient mental health services and the temporary detention of a patient pending a hearing on the modification.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 574.062, Health and Safety Code, by adding Subsections (d) and (e), to require the court to set a date for a hearing on the motion to be held within a certain time period. Authorizes the court to grant one or more continuances of the hearing on the motion by a party and for a good cause shown or on agreement of the parties. Requires the court, except as provided by Subsection (e), to hold the hearing not later than the 14th day after the date the motion is filed. Authorizes the court, by written order made each day, to postpone the hearing for not more than 24 hours, if extremely hazardous weather conditions exist or a disaster occurs that threatens the safety of the proposed patient or other essential parties to the hearing. Requires the written order to declare that an emergency exists because of the weather or the occurrence of a disaster.

SECTION 2. Amends Section 574.064, Health and Safety Code, by amending Subsections (b)-(d), and adding Subsections (e) and (f), to authorize a patient to be detained under a temporary detention order for a certain time period for an extreme emergency only if, after a hearing held before the expiration of that period, the court, a magistrate, or a designated master finds that there is probable cause to believe that the patient meets certain criteria. Authorizes the patient to be detained under the temporary detention until the hearing set under Section 574.062 is completed if probable cause is found under Subsection (b). Prohibits a person detained under this section from being detained in a nonmedical facility used to detain persons charged with or convicted of a crime. Makes conforming changes.

SECTION 3. Effective date: September 1, 1997.
Makes application of this Act prospective.

SECTION 4. Emergency clause.