

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1767
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Health & Human Services
4/3/2001
Committee Report (Substituted)

DIGEST AND PURPOSE

Under current Texas law, an order of protective custody is necessary to transfer a person who has been admitted under emergency detention from a county mental health facility to a facility of the single portal authority or an appropriate inpatient mental health facility. C.S.S.B. 1767 authorizes certain judges to designate magistrates, including criminal magistrates, to sign orders of protective custody.

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 574.021(e), Health and Safety Code, to authorize the judge of the court in which the application is pending to designate a magistrate, as qualified under Section 54.302 (Qualifications), Government Code, including a magistrate appointed by the judge of another court, to issue protective custody orders. Deletes existing text pertaining to a judge's absence. Provides that a magistrate's duty under this section is in addition to the magistrate's duties prescribed by other law.

SECTION 2. Effective date: upon passage or September 1, 2001.

SUMMARY OF COMMITTEE CHANGES

SECTION 1. Differs from the original by adding provisions regarding the qualifications of a magistrate.

SECTION 2. No change.