

BILL ANALYSIS

Senate Research Center
80R11841 KEL-D

C.S.S.B. 442
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Criminal Justice
4/18/2007
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

With the decrease in the number of private psychiatric beds in Texas, there has been an increase in state mental health facility admissions along with decreasing lengths of stay per patient. This had resulted in higher per-patient costs in all state mental health facilities, including the cost of forced medication hearings regarding the court-ordered administration of psychoactive medication to certain criminal defendants. Without being able to charge the county of origin for the cost of the hearings, the probate courts located in the counties with state hospitals carry a heavy financial burden.

C.S.S.B. 442 clarifies that the costs of medication-related hearings for forensic patients are to be borne by the county where the criminal proceedings were brought. This will allow probate courts to charge the county of origin for the cost of these hearings.

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 571.018(a), Health and Safety Code, as follows:

(a) Requires the costs for a hearing or proceeding under this subtitle to be paid by a certain county, other than a hearing regarding the court-ordered administration of psychoactive medication to a person awaiting trial or acquitted in a criminal case under Section 574.107.

SECTION 2. Amends Section 574.107, Health and Safety Code, as follows:

Sec. 574.107. COSTS. Requires the costs for a hearing, rather than hearings, under this subchapter to be paid in a specific manner, except that a county in which the criminal charges are pending or were adjudicated must pay the costs for a hearing under Section 574.106 to evaluate the court-ordered administration of psychoactive drugs to certain patients.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2007.