

## **BILL ANALYSIS**

Senate Research Center  
82R10245 AJZ-D

S.B. 1358  
By: Lucio  
Criminal Justice  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Currently, when a physician applies for an emergency detention warrant in order to transfer a patient to a mental health facility, the Health and Safety Code requires that the doctor physically deliver the application unless transmission is done through secure electronic means.

However, the code does not expressly allow the judge to sign and return the application electronically, leaving hospitals and doctors waiting to hear back from judges in order to transfer a patient to an appropriate care setting.

As proposed, S.B. 1358 amends current law relating to electronically transmitting a warrant for emergency detention.

### **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 573.012, Health and Safety Code, by adding Subsection (h-1), as follows:

(h-1) Authorizes the judge or magistrate, after the presentation of an application under Subsection (h) (relating to authorizing a judge or magistrate to permit an applicant who is a physician to present an application by secure electronic means), to electronically transmit a warrant to the applicant if a digital signature, as defined by Article 2.26 (Digital Signature and Electronic Documents), Code of Criminal Procedure, is transmitted with the document.

SECTION 2. Effective date: September 1, 2011.