

BILL ANALYSIS

C.S.H.B. 2709
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Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Local hospitals are finding that some county courts do not allow their treating clinicians to request orders of protective custody for admitted patients from the county in which the hospital is located. Instead, these courts are requiring the hospital to seek the order from the county in which the patient was apprehended by law enforcement, which is often a neighboring county. Concerns have been raised regarding the various interpretations of the statute providing for these orders. C.S.H.B. 2709 seeks to clarify this statute by specifically authorizing these orders to be filed with the county clerk in the county in which the patient is being assessed in an emergency room or hospital.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2709 amends the Health and Safety Code to authorize an application for court-ordered mental health services to be filed with the county clerk in the county in which the proposed patient is being assessed in an emergency room or hospital.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 2709 differs from the original in minor or nonsubstantive ways by conforming to certain bill drafting conventions.