

## **BILL ANALYSIS**

Senate Research Center  
81R15582 GCB-D

C.S.S.B. 1477  
By: Uresti  
Jurisprudence  
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Committee Report (Substituted)

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

In order to serve mental health services clients in an extended and meaningful way, the courts have had to use recurring 90-day outpatient commitment hearings, resulting in multiple and costly duplication of examinations, court-related activities, and transports. Current law requires that for an individual to be considered appropriate for extended outpatient mental health services, the person must have had at least 60 consecutive days of court-ordered inpatient mental health treatment within the preceding 12 months. With the number of authorized day beds diminishing as a result of financial and institutional constraints, fewer consumers remain at a mental health facility for court-ordered inpatient mental health services in excess of 60 days.

The change proposed by this bill provides a more efficient and effective extended outpatient commitment process and returns the law to its original statutory intent by ensuring that the frequent involuntary mental health services consumers are afforded the opportunity for extended outpatient mental health services.

C.S.S.B. 1477 authorizes a judge to order a proposed patient to receive court-ordered extended outpatient mental health services if the jury, or the judge if the right to a jury is waived, finds from clear and convincing evidence that the proposed patient has received court-ordered inpatient mental health services for a total of at least 60 days during the preceding 24 months or court-ordered out-patient mental health services during the preceding 60 days.

### **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 574.035(b), Health and Safety Code, to authorize the judge to order a proposed patient to receive court-ordered extended outpatient mental health services only if the jury, or the judge if the right to a jury is waived, finds from clear and convincing evidence that the proposed patient has received court-ordered inpatient mental health services under this subtitle or under Subchapter D (Procedures After Determination of Incompetency) or E (Civil Commitment: Charges Pending), Chapter 46B (Incompetency to Stand Trial) Code of Criminal Procedure, for a total of at least 60 days during the preceding 12 months, rather than for at least 60 consecutive days during the preceding 12 months, or court-ordered outpatient mental health services under this subtitle or under Subchapter D or E, Chapter 46B, Code of Criminal Procedure, during the preceding 60 days.

SECTION 2. Amends Section 574.002(b), Health and Safety Code, as follows:

(b) Requires that an application for extended inpatient mental health services state that the person has received court-ordered inpatient mental health services under this subtitle or under Subchapter D or E, Chapter 46B, Code of Criminal Procedure, for at least 60 consecutive days during the preceding 12 months. Requires that an application for extended outpatient mental health services state that the person has received court-ordered inpatient mental health services under this subtitle or under Subchapter D or E, Chapter 46B, Code of Criminal Procedure, for a total of at least 60 days during the preceding 12 months, or court-ordered outpatient mental health services under this

subtitle or under Subchapter D or E, Chapter 46B, Code of Criminal Procedure, during the preceding 60 days.

SECTION 3. Effective date: September 1, 2009.