

BILL ANALYSIS

Senate Research Center
82R11393 EES-D

H.B. 3342
By: Naishtat (Rodriguez)
Health & Human Services
5/12/2011
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 3342 amends current law relating to representation of and by the state and joinder of the state in certain mental health proceedings.

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 571.016, Health and Safety Code, as follows:

Sec. 571.016. REPRESENTATION OF STATE. Provides that unless specified otherwise, in a hearing held under this subtitle, including a hearing held under Subchapter G (Administration of Medication to Patient Under Order For Inpatient Mental Health Services), Chapter 574 (Court-Ordered Mental Health Services):

- (1) the county attorney is required to represent the state; or
- (2) if the county has no county attorney, the district attorney, the criminal district attorney, or a court-appointed special prosecutor is required to represent the state.

SECTION 2. Amends Chapter 571, Health and Safety Code, by adding Section 571.0167, as follows:

Sec. 571.0167. HABEAS CORPUS PROCEEDINGS. (a) Requires that the state be made a party in a habeas corpus proceeding in which an inpatient mental health facility or physician is a party as a result of enforcing a commitment order.

- (b) Requires the appropriate attorney prescribed by Section 571.016, in a habeas corpus proceeding described in Subsection (a), to represent the inpatient mental facility or physician and the state.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: upon passage or September 1, 2011.