

BILL ANALYSIS

Senate Research Center
82R802 GCB-D

S.B. 118
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Jurisprudence
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

With the number of authorized daybeds 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 consecutive days.

Under current law, an individual considered appropriate for extended involuntary outpatient mental health services must have had at least 60 consecutive days of court-ordered inpatient mental health services within the preceding 12 months.

Under S.B. 118, the requirement for assigning court-ordered extended outpatient mental health services will include those patients who have received a total of 60 days or more of court-ordered inpatient mental health services during the preceding 12 months. This change returns the law to its original intent—ensuring that a judge who is dealing with a patient who is frequently assigned involuntary inpatient mental health services is able to assign lower cost extended outpatient mental health services if deemed appropriate.

This bill also amends the Health and Safety Code to authorize a judge to order extended outpatient mental health services to a patient that has received court-ordered outpatient 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, during the preceding 60 days.

As proposed, S.B. 118 amends current law relating to a court's authority to order a proposed patient to receive extended outpatient mental health services.

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, as follows:

(b) Authorizes the judge to order a proposed patient to receive court-ordered extended outpatient mental health services only if certain conditions apply, including 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, 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. Makes nonsubstantive changes.

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, 2011.