

## **BILL ANALYSIS**

Senate Research Center  
84R5795 EES-D

H.B. 1329  
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State Affairs  
5/19/2015  
Engrossed

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

Current law is ambiguous as to which county is responsible for court costs for emergency detention proceedings when a governmental entity, other than a county employee, initiates proceedings. A county may initiate mental health proceedings, whether by emergency detention or by filing an application for inpatient commitment, to allow medical and behavioral assessments to protect the health and safety of the person and the public. Due to the location of state hospitals, emergency detention proceedings may be filed in a county different from the county where the person was detained originally. It has long been understood that the county where the person was detained originally is responsible for the costs of the emergency detention proceedings, regardless of the government entity that picks up the person. However, some counties have recently argued that when a governmental employee other than a county employee, such as a peace officer in a city within the county, initiates the emergency detention, the county is not responsible for the costs. This position, if correct, improperly could leave the county in which the case is filed holding the bag on the costs.

What's more, current law is ambiguous as to what funds counties can use to pay for emergency detention proceedings. As a result, some courts have collected fees from inappropriate funds for these proceedings.

H.B. 1329 clarifies that the county in which a person is originally detained is responsible for the costs, regardless of what governmental entity picks up the person and initiates the commitment process. What's more, H.B. 1329 clarifies that certain fees may not be used to pay for emergency detention proceedings.

These changes would ensure that emergency detention proceedings are funded promptly and properly to protect the health and safety of persons with mental challenges and the public.

H.B. 1329 amends current law relating to the payment of costs incurred by the involuntary commitment of persons with mental illness.

### **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 Sections 571.018(a) and (b), Health and Safety Code, as follows:

(a) Requires that the costs for a hearing or proceeding under this subtitle (Texas Mental Health Code) be paid by the county in which emergency detention procedures are initiated, rather than the county that initiates emergency detention procedures, under Subchapter A (Apprehension by Peace Officer or Transportation for Emergency Detention by Guardian) or B (Judge's or Magistrate's Order for Emergency Apprehension and Detention), Chapter 573. Makes no further change to this subsection.

(b) Requires the county responsible for the costs of a hearing or proceeding under Subsection (a) to pay the costs of all subsequent hearings or proceedings for that person

under this subtitle until the person is discharged from mental health services. Prohibits the county from paying the costs from any fees collected under Section 51.704 (Additional Fees in Statutory probate Courts), Government Code. Requires that the costs be billed by the clerk of the court conducting the hearings.

SECTION 2. Effective date: September 1, 2015.