

## **BILL ANALYSIS**

Senate Research Center

H.B. 3424  
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State Affairs  
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Engrossed

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

Some persons suffering from mental illness have conditions so severe that they are deemed legally incapacitated and are put under guardianship. These persons may be physically healthy, yet have mental challenges that impede their ability to cooperate with caretakers or even cause them to take actions counter to their own health and safety. Often, in the case of a problematic event involving a mentally incapacitated person, emergency service providers, such as police or hospital personnel, are the first on the scene of the event, but may find it difficult to provide the requisite care and may be unable to determine the person's identity or the identity of the person's guardian.

H.B. 3424 creates a statewide database of information regarding incapacitated persons and their legal guardians which would enhance the speed and ability of emergency service providers to assess and address the needs of an incapacitated individual.

H.B. 3424 amends current law relating to a central database containing information about certain individuals under guardianship.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the public safety director of the Department of Public Safety of the State of Texas in SECTION 2 (Section 411.055, Government Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter C, Chapter 1053, Estates Code, by adding Section 1053.106, as follows:

Sec. 1053.106. CERTAIN INFORMATION PROVIDED BY COURT CLERK. (a) Requires the clerk of a court, except as provided by Subsection (b), to compile and provide to the Department of Public Safety of the State of Texas (DPS) the:

- (1) names of incapacitated persons who are at least 18 years of age and who have a guardian appointed under Title 3 (Guardianship and Related Procedures), Estates Code;
- (2) name of the guardian appointed for each incapacitated person; and
- (3) contact information for the guardian appointed for each incapacitated person.

(b) Requires that the clerk of a court obtain the consent of a guardian of an incapacitated person on a form prescribed by DPS before the clerk may provide to DPS the information for the incapacitated person described by Subsection (a).

SECTION 2. Amends Subchapter D, Chapter 411, Government Code, by adding Section 411.055, as follows:

Sec. 411.055. DATABASE OF INCAPACITATED PERSONS AND GUARDIANS.

(a) Provides that, in this section:

(1) Defines "incapacitated person."

(2) Defines "emergency service provider."

(b) Requires the Department of Public Safety of the State of Texas (DPS) to develop and maintain a computerized central database accessible only to emergency service providers that contains, to the extent the information is available to DPS:

(1) the names of incapacitated persons who have a guardian consenting to the dissemination of the incapacitated person's information under Section 1053.106, Estates Code; and

(2) for each incapacitated person, the name of the guardian appointed for that person and contact information for the guardian.

(c) Provides that information contained in the database is confidential and not subject to disclosure under Chapter 552 (Public Information), Government Code.

(d) Requires the public safety director of DPS to adopt rules as necessary to implement and maintain the database created under this section.

SECTION 3. Effective date: September 1, 2015.