

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1358
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Criminal Justice
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, when a physician applies for an emergency detention warrant in order to transfer a patient to a mental health facility, the Health and Safety Code requires that the doctor physically deliver the application unless transmission is done through secure electronic means.

However, the code does not expressly allow the judge to sign and return the application electronically, leaving hospitals and doctors waiting to hear back from judges in order to transfer a patient to an appropriate care setting.

C.S.S.B. 1358 amends current law relating to electronically transmitting a warrant for emergency detention.

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 573.012, Health and Safety Code, by amending Subsection (h) and adding Subsection (h-1), as follows:

(h) Authorizes a judge or magistrate to permit an applicant who is a physician to present an application by:

(1) e-mail with the application attached as a secure document in a portable document format (PDF); or

(2) Creates this subdivision from existing text. Makes nonsubstantive changes.

(h-1) Authorizes the judge or magistrate, after the presentation of an application under Subsection (h), to transmit a warrant to the applicant:

(1) electronically if a digital signature, as defined by Article 2.26 (Digital Signature and Electronic Documents), Code of Criminal Procedure, is transmitted with the document; or

(2) by e-mail with the warrant attached as a secure document in a portable document format (PDF), if the identifiable legal signature of the judge or magistrate is transmitted with the document.

SECTION 2. Effective date: September 1, 2011.