

By: Jetton

H.B. No. 2072

Substitute the following for H.B. No. 2072:

By: Klick

C.S.H.B. No. 2072

A BILL TO BE ENTITLED

AN ACT

relating to eligibility for a grant to reduce recidivism, arrest,
and incarceration of individuals with mental illness.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 531.0993, Government Code, is amended by
amending Subsections (a), (b), (c), (c-1), (c-2), (d), (f-1), (g),
(h), and (i) and adding Subsection (a-1) to read as follows:

(a) In this section, "qualified entity" means a
county-based community collaborative or a nonprofit organization
that is exempt from federal income taxation under Section 501(a),
Internal Revenue Code of 1986, by being listed as an exempt entity
under Section 501(c)(3) of that code.

(a-1) The commission shall establish a program to provide
grants to qualified entities [~~county-based community
collaboratives~~] for the purposes of reducing:

(1) recidivism by, the frequency of arrests of, and
incarceration of persons with mental illness; and

(2) the total waiting time for forensic commitment of
persons with mental illness to a state hospital.

(b) A qualified entity that is a community collaborative may
petition the commission for a grant under the program only if the
collaborative includes a county, a local mental health authority
that operates in the county, and each hospital district, if any,
located in the county. A community collaborative may include other

1 local entities designated by the collaborative's members.

2 (c) The commission shall condition each grant provided to a
3 qualified entity [~~community collaborative~~] under this section on
4 the qualified entity [~~collaborative~~] providing funds from
5 non-state sources in a total amount at least equal to:

6 (1) 25 percent of the grant amount if the qualified
7 entity that is a community collaborative includes or the qualified
8 entity that is a nonprofit organization operates in a county with a
9 population of less than 100,000;

10 (2) 50 percent of the grant amount if the qualified
11 entity [~~collaborative~~] includes or operates in a county with a
12 population of 100,000 or more but less than 250,000;

13 (3) 100 percent of the grant amount if the qualified
14 entity [~~collaborative~~] includes or operates in a county with a
15 population of 250,000 or more; and

16 (4) the percentage of the grant amount otherwise
17 required by this subsection for the largest county included in the
18 qualified entity or within which the entity operates
19 [~~collaborative~~], if the qualified entity [~~collaborative~~] includes
20 or operates in more than one county.

21 (c-1) To raise the required non-state sourced funds, a
22 qualified entity [~~collaborative~~] may seek and receive gifts,
23 grants, or donations from any person.

24 (c-2) From [~~Beginning on or after September 1, 2018, from~~]
25 money appropriated to the commission for each fiscal year to
26 implement this section, the commission shall reserve at least 20
27 percent of that total to be awarded only as grants to a qualified

1 entity [~~community collaborative~~] that includes or operates in a
2 county with a population of less than 250,000.

3 (d) For each state fiscal year for which a qualified entity
4 [~~community collaborative~~] seeks a grant, the qualified entity
5 [~~collaborative~~] must submit a petition to the commission not later
6 than the 30th day of that fiscal year. The qualified entity
7 [~~community collaborative~~] must include with a petition:

8 (1) a statement indicating the amount of funds from
9 non-state sources the qualified entity [~~collaborative~~] is able to
10 provide; and

11 (2) a plan that:

12 (A) is endorsed by each of the qualified entity's
13 [~~collaborative's~~] member entities, for a qualified entity that is a
14 community collaborative;

15 (B) identifies a target population;

16 (C) describes how the grant money and funds from
17 non-state sources will be used;

18 (D) includes outcome measures to evaluate the
19 success of the plan; and

20 (E) describes how the success of the plan in
21 accordance with the outcome measures would further the state's
22 interest in the grant program's purposes.

23 (f-1) To [~~Beginning on or after September 1, 2018, to~~] the
24 extent money appropriated to the commission for a fiscal year to
25 implement this section remains available to the commission after
26 the commission selects grant recipients for the fiscal year, the
27 commission shall make grants available using the money remaining

1 for the fiscal year through a competitive request for proposal
2 process, without regard to the limitation provided by Subsection
3 (c-2).

4 (g) Not later than the 90th day after the last day of the
5 state fiscal year for which the commission distributes a grant
6 under this section, each qualified entity [~~community~~
7 ~~collaborative~~] that receives a grant shall prepare and submit a
8 report describing the effect of the grant money and matching funds
9 in achieving the standard defined by the outcome measures in the
10 plan submitted under Subsection (d).

11 (h) The commission may make inspections of the operation and
12 provision of mental health services provided by a qualified entity
13 [~~community collaborative~~] to ensure state money appropriated for
14 the grant program is used effectively.

15 (i) The commission may not award a grant under this section
16 for a fiscal year to a qualified entity [~~community collaborative~~]
17 that includes or operates in a county with a population greater than
18 four million if the legislature appropriates money for a mental
19 health jail diversion program in the county for that fiscal year.

20 SECTION 2. Section [531.09935](#), Government Code, is amended
21 by amending Subsections (a), (b), (c), (d), (e), (g), and (h) and
22 adding Subsection (a-1) to read as follows:

23 (a) In this section, "qualified entity" means a
24 county-based community collaborative or a nonprofit organization
25 that is exempt from federal income taxation under Section 501(a),
26 Internal Revenue Code of 1986, by being listed as an exempt entity
27 under Section 501(c)(3) of that code.

1 (a-1) The commission shall establish a program to provide a
2 grant to a qualified entity [~~county-based community collaborative~~]
3 in the most populous county in this state for the purposes of
4 reducing:

5 (1) recidivism by, the frequency of arrests of, and
6 incarceration of persons with mental illness; and

7 (2) the total waiting time for forensic commitment of
8 persons with mental illness to a state hospital.

9 (b) A qualified entity that is a [~~The~~] community
10 collaborative may receive a grant under the program only if the
11 collaborative includes the county, a local mental health authority
12 that operates in the county, and each hospital district located in
13 the county. A community collaborative may include other local
14 entities designated by the collaborative's members.

15 (c) Not later than the 30th day of each fiscal year, the
16 commission shall make available to the qualified entity [~~community~~
17 ~~collaborative~~] established in the county described by Subsection
18 (a-1) [~~(a)~~] a grant in an amount equal to the lesser of:

19 (1) the amount appropriated to the commission for that
20 fiscal year for a mental health jail diversion pilot program in that
21 county; or

22 (2) the entity's [~~collaborative's~~] available matching
23 funds.

24 (d) The commission shall condition a grant provided to the
25 qualified entity [~~community collaborative~~] under this section on
26 the entity [~~collaborative~~] providing funds from non-state sources
27 in a total amount at least equal to the grant amount.

1 (e) To raise the required non-state sourced funds, the
2 qualified entity [~~collaborative~~] may seek and receive gifts,
3 grants, or donations from any person.

4 (g) Not later than the 90th day after the last day of the
5 state fiscal year for which the commission distributes a grant
6 under this section, the qualified entity [~~community collaborative~~]
7 shall prepare and submit a report describing the effect of the grant
8 money and matching funds in fulfilling the purpose described by
9 Subsection (a-1) [~~(a)~~].

10 (h) The commission may make inspections of the operation and
11 provision of mental health services provided by the qualified
12 entity [~~community collaborative~~] to ensure state money
13 appropriated for the grant program is used effectively.

14 SECTION 3. This Act takes effect September 1, 2023.