

By: Frazier

H.B. No. 3858

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of mental health wellness units within law enforcement agencies.

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

SECTION 1. Subtitle B, Title 4, Government Code, is amended by adding Chapter 425 to read as follows:

CHAPTER 425. LAW ENFORCEMENT AGENCY MENTAL HEALTH WELLNESS UNITS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 425.001. DEFINITIONS. In this chapter:

(1) "Commission" means the Health and Human Services Commission.

(2) "Fund" means the peace officer mental health fund.

(3) "Law enforcement agency" means the Department of Public Safety or a political subdivision authorized by law to employ peace officers under Article 2.12, Code of Criminal Procedure.

SUBCHAPTER B. MENTAL HEALTH WELLNESS UNITS

Sec. 425.051. ESTABLISHMENT OF WELLNESS UNITS. Each law enforcement agency shall establish and maintain a mental health wellness unit within the agency for the agency's peace officers.

Sec. 425.052. WELLNESS UNIT REQUIREMENTS. A wellness unit established under this subchapter shall:

(1) identify peace officers that respond to a violent incident that may result in a loss of life, including a homicide,

1 suicide, or fatal motor vehicle accident;

2 (2) require a representative of the wellness unit to  
3 communicate with and monitor the mental health of an officer  
4 identified under Subdivision(1) , when feasible;

5 (3) maintain and provide a list of verified  
6 counselors, therapists, and support resources available to an  
7 officer identified under Subdivision (1) who agrees to services  
8 through the wellness unit; and

9 (4) include any additional requirements the  
10 commission determines are necessary to implement this subchapter.

11 SUBCHAPTER C. PEACE OFFICER MENTAL HEALTH FUND AND GRANT PROGRAM

12 Sec. 425.101. FUND. (a) The peace officer mental health  
13 fund is an account in the general revenue fund.

14 (b) The fund is composed of:

15 (1) money appropriated to the fund by the legislature;

16 (2) gifts and grants contributed to the fund; and

17 (3) the earnings of the fund.

18 (c) Money in the fund may be appropriated only to the  
19 commission. The commission may use the money only for making grants  
20 under Section 425.102.

21 Sec. 425.102. PEACE OFFICER MENTAL HEALTH GRANT PROGRAM.

22 (a) The commission shall establish and administer a grant program  
23 to assist local law enforcement agencies in establishing and  
24 maintaining mental health wellness units within the agencies as  
25 required under Subchapter B.

26 (b) The commission shall establish:

27 (1) eligibility criteria for grant applicants;

- 1           (2) grant application procedures;  
2           (3) guidelines relating to grant amounts;  
3           (4) procedures for evaluating grant applications; and  
4           (5) procedures for monitoring the use of a grant  
5 awarded under the program and ensuring compliance with any  
6 condition of a grant.

7           SECTION 2. Not later than January 1, 2024, the executive  
8 commissioner of the Health and Human Services Commission shall  
9 prescribe any necessary requirements for mental health wellness  
10 units established under Chapter 425, Government Code, as added by  
11 this Act.

12           SECTION 3. Notwithstanding Subchapter B, Chapter 425,  
13 Government Code, as added by this Act, a law enforcement agency is  
14 not required to establish a mental health wellness unit under that  
15 subchapter until September 1, 2024.

16           SECTION 4. This Act takes effect September 1, 2023.