

AN ACT

relating to the establishment and administration of Health and Human Services Commission programs providing mental health services to certain individuals in this state.

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

SECTION 1. Section 531.0991, Government Code, is amended by adding Subsection (e-1) to read as follows:

(e-1) If the commission is appropriated money to implement this section for a state fiscal year in an amount that exceeds the total amount of grants awarded under this section in the previous state fiscal year, the commission, in selecting grant recipients for the excess amount, must accept applications or proposals from applicants that were not selected as grant recipients under this section in the previous state fiscal year or applicants that were selected as grant recipients but require additional funding for the recipient's community mental health program for purposes of this section.

SECTION 2. Section 531.0993, Government Code, is amended by adding Subsections (d-1) and (d-2) to read as follows:

(d-1) The commission shall establish procedures to assist a community collaborative that includes a county with a population of less than 250,000 with submission of a petition under Subsection (d).

(d-2) If the commission is appropriated money to implement

1 this section for a state fiscal year in an amount that exceeds the  
2 total amount of grants awarded under this section in the previous  
3 state fiscal year, the commission, in selecting grant recipients  
4 for the excess amount, must accept petitions from community  
5 collaboratives that were not selected as grant recipients under  
6 this section in the previous state fiscal year or collaboratives  
7 that were selected as grant recipients in the previous state fiscal  
8 year but require additional funding for the recipient's  
9 collaborative for purposes of this section.

10 SECTION 3. Subchapter B, Chapter 531, Government Code, is  
11 amended by adding Section 531.09936 to read as follows:

12 Sec. 531.09936. ESTABLISHMENT OR EXPANSION OF REGIONAL  
13 BEHAVIORAL HEALTH CENTERS OR JAIL DIVERSION CENTERS. (a) In this  
14 section:

15 (1) "Governmental entity" means this state, a  
16 political subdivision of this state, or an agency of this state or a  
17 political subdivision of this state.

18 (2) "Local mental health authority" has the meaning  
19 assigned by Section 531.002, Health and Safety Code.

20 (3) "Nonprofit organization" means an organization  
21 that is exempt from federal income taxation under Section 501(a),  
22 Internal Revenue Code of 1986, by being listed as an exempt entity  
23 under Section 501(c)(3) of that code.

24 (b) To the extent money is appropriated to the commission  
25 for that purpose, the commission, in cooperation with local mental  
26 health authorities located primarily in rural areas of this state,  
27 shall contract with nonprofit organizations or governmental

1 entities to establish or expand behavioral health centers or jail  
2 diversion centers in the authorities' local service areas to:

3 (1) provide additional forensic hospital beds and  
4 competency restoration services;

5 (2) provide inpatient and outpatient mental health  
6 services to adults and children; and

7 (3) provide services to reduce recidivism and the  
8 frequency of arrest, incarceration, and emergency detentions among  
9 persons with mental illness in the service areas.

10 (c) The executive commissioner shall develop criteria for  
11 the evaluation of applications or proposals submitted by a  
12 nonprofit organization or governmental entity seeking to contract  
13 with the commission under this section.

14 (d) This section may not be construed to affect a grant  
15 program established by the commission under this code.

16 SECTION 4. (a) The state auditor's office shall conduct an  
17 audit of the inmates in county jails who are waiting for a forensic  
18 hospital bed for the provision of competency restoration services.  
19 The audit must identify any issues and inefficiencies in the  
20 commitment process.

21 (b) Not later than December 1, 2024, the state auditor shall  
22 prepare a report of the audit conducted under Subsection (a) of this  
23 section and publish the report on the state auditor's Internet  
24 website. The report must include:

25 (1) a review of the history and status of the waitlist  
26 beginning September 2018 through the most current year for which  
27 information is available;

1           (2) any disparities in treatment in the forensic  
2 commitment process based on race, gender, ethnicity, or age; and

3           (3) any other analysis the state auditor determines  
4 appropriate.

5           (c) This section expires September 1, 2025.

6           SECTION 5. As soon as practicable after the effective date  
7 of this Act, the executive commissioner of the Health and Human  
8 Services Commission shall adopt rules necessary to implement  
9 Sections [531.0993\(d-1\)](#) and 531.09936, Government Code, as added by  
10 this Act.

11           SECTION 6. This Act takes effect September 1, 2023.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 1677 passed the Senate on May 4, 2023, by the following vote: Yeas 31, Nays 0; May 26, 2023, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 26, 2023, House granted request of the Senate; May 28, 2023, Senate adopted Conference Committee Report by the following vote: Yeas 29, Nays 2.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 1677 passed the House, with amendments, on May 19, 2023, by the following vote: Yeas 142, Nays 0, two present not voting; May 26, 2023, House granted request of the Senate for appointment of Conference Committee; May 28, 2023, House adopted Conference Committee Report by the following vote: Yeas 134, Nays 8, two present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor