

Amend **CSSB 591** by striking all below the enacting clause and substituting the following:

SECTION 1. The heading to Chapter 614, Health and Safety Code, is amended to read as follows:

CHAPTER 614. TEXAS CORRECTIONAL OFFICE [~~TEXAS COUNCIL~~] ON
OFFENDERS WITH MEDICAL OR MENTAL IMPAIRMENTS

SECTION 2. Section 614.001, Health and Safety Code, is amended to read as follows:

Sec. 614.001. DEFINITIONS. In this chapter:

(1) "Board" means the Texas Board of Criminal Justice.
~~["Adaptive behavior" means the effectiveness with which a person meets the standards of personal independence and social responsibility reasonably expected of the person's age and cultural group.]~~

(2) "Case management" means a process by which a person or team responsible for establishing and continuously maintaining contact with a person with mental illness, a developmental disability, or mental retardation provides that person with access to services required by the person and ensures the coordinated delivery of those services to the person.

(3) "Committee" [~~"Council"~~] means the Advisory Committee to the Texas Board of Criminal Justice [~~Texas Council~~] on Offenders with Medical or Mental Impairments.

(4) "Developmental disability" means a severe, chronic disability that:

(A) is attributable to a mental or physical impairment or a combination of physical and mental impairments;

(B) is manifested before the person reaches 22 years of age;

(C) is likely to continue indefinitely;

(D) results in substantial functional limitations in three or more of the following areas of major life activity:

(i) self-care;

(ii) self-direction;

(iii) learning;

(iv) receptive and expressive language;

(v) mobility;

(vi) capacity for independent living; or

(vii) economic self-sufficiency; and

(E) reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services of extended or lifelong duration that are individually planned and coordinated.

(5) "Mental illness" has the meaning assigned by Section 571.003.

(6) "Mental impairment" means a mental illness, mental retardation, or a developmental disability.

(7) [(6)] "Mental retardation" has the meaning assigned by Section 591.003.

(8) [(7)] "Offender with a medical or mental impairment" means a juvenile or adult ~~[with mental illness, mental retardation, or a developmental disability]~~ who is arrested or charged with a criminal offense and who:

(A) has a mental impairment; or

(B) is elderly, physically disabled, terminally ill, or significantly ill.

(9) "Office" means the Texas Correctional Office on Offenders with Medical or Mental Impairments.

(10) [(8)] "Person with mental retardation" means a juvenile or adult with mental retardation that is not a mental disorder who, because of the mental deficit, requires special training, education, supervision, treatment, care, or control in the person's home or community or in a private or state school for persons with mental retardation.

SECTION 3. Section 614.002, Health and Safety Code, is amended to read as follows:

Sec. 614.002. COMPOSITION OF COMMITTEE; DUTIES ~~[COUNCIL]~~.

(a) The Advisory Committee to the Texas Board of Criminal Justice ~~[Texas Council]~~ on Offenders with Medical or Mental Impairments is composed of 31 ~~[30]~~ members.

(b) The governor shall appoint, with the advice and consent of the senate:

(1) four at-large members who have expertise in mental

health, mental retardation, or developmental disabilities, three ~~[one]~~ of whom must be forensic psychiatrists or forensic psychologists ~~[a psychiatrist]~~;

(2) one at-large member who is the judge of a district court with criminal jurisdiction;

(3) one at-large member who is a prosecuting attorney;

(4) one at-large member who is a criminal defense attorney;

(5) two ~~[one at-large member from an established pretrial services agency; and~~

~~[(6) one]~~ at-large members ~~[member]~~ who have ~~[has]~~ expertise in the juvenile justice or criminal justice system; and

(6) one at-large member whose expertise can further the mission of the committee.

(c)(1) The following entities, by September 1 of each even-numbered year, shall submit to the governor for consideration a list of five candidates from their respective fields for at-large membership on the committee:

(A) the Texas District and County Attorney's Association;

(B) the Texas Criminal Defense Lawyers Association;

(C) the Texas Association of Counties;

(D) the Texas Medical Association;

(E) the Texas Society of Psychiatric Physicians;

(F) the Texas Psychological Association;

(G) the Texas Sheriff's Association;

(H) the court of criminal appeals;

(I) the County Judges and Commissioners Association of Texas; and

(J) the Texas Conference of Urban Counties.

(2) The Texas Medical Association, the Texas Society of Psychiatric Physicians, and the Texas Psychological Association may submit a candidate for membership only if the candidate has documented expertise and educational training in, as appropriate, medical forensics, forensic psychology, or forensic psychiatry. [A person may not be an at-large member of the council if the person or

~~the person's spouse:~~

~~[(1) is employed by or participates in the management of a business entity or other organization regulated by or receiving money from the council,~~

~~[(2) owns or controls, directly or indirectly, more than a 10 percent interest in a business entity or other organization regulated by or receiving money from the council, or~~

~~[(3) uses or receives a substantial amount of tangible goods, services, or money from the council other than compensation or reimbursement authorized by law for council membership, attendance, or expenses.]~~

(d) A person may not be a member of the committee ~~[council or act as the general counsel to the council]~~ if the person is required to register as a lobbyist under Chapter 305, Government Code, because of the person's activities for compensation on behalf of a profession related to the operation of the committee ~~[council]~~.

(e) The executive head of each of the following agencies, divisions of agencies, or associations, or that person's designated representative, shall serve as a member of the committee ~~[council]~~:

(1) the institutional division of the Texas Department of Criminal Justice;

(2) the Texas Department of Mental Health and Mental Retardation;

(3) the pardons and paroles division of the Texas Department of Criminal Justice;

(4) the community justice assistance division of the Texas Department of Criminal Justice;

(5) the state jail division of the Texas Department of Criminal Justice;

(6) the Texas Juvenile Probation Commission;

(7) the Texas Youth Commission;

(8) the Texas Rehabilitation Commission;

(9) the Texas Education Agency;

(10) the Criminal Justice Policy Council;

(11) the Mental Health Association in Texas;

(12) the Texas Commission on Alcohol and Drug Abuse;

(13) the Commission on Law Enforcement Officer

Standards and Education;

(14) the Texas Council of Community Mental Health and Mental Retardation Centers;

(15) the Commission on Jail Standards;

(16) the Texas Council for Developmental Disabilities;

(17) the Texas Association for Retarded Citizens;

(18) the Texas Alliance for the Mentally Ill;

(19) the Parent Association for the Retarded of Texas, Inc.;

(20) the Texas Department of Human Services; and

(21) the Texas Department on Aging.

(f) In making the appointments under Subsection (b), the governor shall attempt to reflect the geographic and economic diversity of the state. Appointments to the committee [~~council~~] shall be made without regard to the race, color, disability, sex, religion, age, or national origin of the appointees.

(g) It is a ground for removal from the committee [~~council~~] that an at-large member:

(1) does not have at the time of taking office the qualifications required by Subsection [~~Subsections~~] (b) [~~7, (c), and (k)~~];

(2) does not maintain during service on the council the qualifications required by Subsection [~~Subsections~~] (b) [~~7, (c), and (k)~~];

(3) is ineligible for membership under Subsection [~~(c)~~ ~~or~~] (d);

(4) cannot, because of illness or disability, discharge the member's duties for a substantial part of the member's term;

(5) is absent from more than half of the regularly scheduled committee [~~council~~] meetings that the member is eligible to attend during a calendar year without an excuse approved by a majority vote of the committee [~~council~~]; or

(6) is absent from more than two consecutive regularly scheduled committee [~~council~~] meetings that the member is eligible to attend.

(h) The validity of an action of the committee [~~council~~] is not affected by the fact that it is taken when a ground for removal of a committee [~~council~~] member exists.

(i) If the director of the committee [~~council~~] has knowledge that a potential ground for removal exists, the director shall notify the presiding officer of the committee [~~council~~] of the potential ground. The presiding officer shall then notify the governor and the attorney general that a potential ground for removal exists. If the potential ground for removal involves the presiding officer, the director shall notify the next highest ranking officer of the committee [~~council~~], who shall then notify the governor and the attorney general that a potential ground for removal exists.

(j) A representative designated by the executive head of a state agency must be an officer or employee of the agency when designated and while serving on the committee [~~council~~], except the representative designated by the director of the Criminal Justice Policy Council must be an employee of that council.

(k) The committee shall advise the board and the director of the Texas Correctional Office on Offenders with Medical or Mental Impairments on matters related to offenders with medical or mental impairments and perform other duties imposed by the board. [~~Members who are not associated with a state agency or division must have expertise in the rehabilitation of persons with mental illness, mental retardation, or a developmental disability when appointed or designated and while serving on the council.~~]

SECTION 4. Section 614.003, Health and Safety Code, is amended to read as follows:

Sec. 614.003. TEXAS CORRECTIONAL OFFICE ON OFFENDERS WITH MEDICAL OR MENTAL IMPAIRMENTS; DIRECTOR [~~INFORMATION: REQUIREMENTS FOR OFFICE OR EMPLOYMENT~~]. The Texas Correctional Office on Offenders with Medical or Mental Impairments shall perform duties imposed on or assigned to the office by this chapter, other law, the board, and the executive director of the Texas Department of Criminal Justice. The executive director of the Texas Department of Criminal Justice shall hire a director of the office. The director serves at the pleasure of the executive

~~director. The director shall hire the employees for the office [or the executive director's designee shall provide to members of the council and to agency employees, as often as necessary, information regarding the requirements for office or employment under this chapter, including information regarding a person's responsibilities under applicable laws relating to standards of conduct for state officers or employees].~~

SECTION 5. Section 614.0031, Health and Safety Code, is amended to read as follows:

Sec. 614.0031. TRAINING PROGRAM. (a) A person who is appointed to and qualifies for office as a member of the committee ~~[council]~~ may not vote, deliberate, or be counted as a member in attendance at a meeting of the committee ~~[council]~~ until the person completes a training program that complies with this section.

(b) The training program must provide the person with information regarding:

(1) the legislation that created the committee and the office ~~[council]~~;

(2) the programs operated by the committee and the office ~~[council]~~;

(3) the role and functions of the committee and the office ~~[council]~~;

(4) the rules of the committee and the office ~~[council]~~;

(5) the current budget for the committee and the office ~~[council]~~;

(6) the results of the most recent formal audit of the committee and the office ~~[council]~~;

(7) the requirements of:

(A) the open meetings law, Chapter 551, Government Code;

(B) the public information law, Chapter 552, Government Code;

(C) the administrative procedure law, Chapter 2001, Government Code; and

(D) other laws relating to public officials, including conflict of interest laws; and

(8) any applicable ethics policies adopted by the committee [~~council~~] or the Texas Ethics Commission.

(c) A person appointed to the committee [~~council~~] is entitled to reimbursement, as provided by the General Appropriations Act, for the travel expenses incurred in attending the training program regardless of whether the attendance at the program occurs before or after the person qualifies for office.

SECTION 6. Chapter 614, Health and Safety Code, is amended by adding Section 614.0032 to read as follows:

Sec. 614.0032. SPECIAL DUTIES RELATED TO MEDICALLY RECOMMENDED SUPERVISION; COMPETENCY DETERMINATION. (a) The office shall perform duties imposed on the office by Section 508.146, Government Code.

(b) The office, with the special assistance of committee members appointed under Section 614.002(b)(1), shall review examinations to determine the competency of defendants in criminal cases to stand trial and periodically shall report findings made as a result of the review to the legislature and the court of criminal appeals.

SECTION 7. Section 614.004, Health and Safety Code, is amended to read as follows:

Sec. 614.004. TERMS. The at-large members of the committee [~~council~~] serve for staggered six-year terms.

SECTION 8. Section 614.005, Health and Safety Code, is amended to read as follows:

Sec. 614.005. OFFICERS; MEETINGS. (a) The governor shall designate a member of the committee [~~council~~] as the presiding officer of the committee [~~council~~] to serve in that capacity at the pleasure of the governor.

(b) The committee [~~council~~] shall meet at least four times each year and may meet at other times at the call of the presiding officer or as provided by committee [~~council~~] rule.

SECTION 9. Section 614.006, Health and Safety Code, is amended to read as follows:

Sec. 614.006. APPLICABILITY OF CERTAIN GOVERNMENT CODE PROVISIONS. (a) The provisions of Chapter 2110, Government Code, other than Section 2110.002(a), apply to the committee.

(b) [~~REIMBURSEMENT FOR EXPENSES.~~] A member of the committee [~~council~~] is not entitled to compensation for performing duties on the committee [~~council~~] but is entitled to receive reimbursement [~~from the council~~] for travel and other necessary expenses incurred in performing official duties at the rate provided for state employees in the General Appropriations Act.

SECTION 10. Section 614.007, Health and Safety Code, is amended to read as follows:

Sec. 614.007. POWERS AND DUTIES. [~~(a)~~] The office [~~council~~] shall:

(1) determine the status of offenders with medical or mental impairments in the state criminal justice system;

(2) identify needed services for offenders with medical or mental impairments;

(3) develop a plan for meeting the treatment, rehabilitative, and educational needs of offenders with medical or mental impairments that includes a case management system and the development of community-based alternatives to incarceration;

(4) cooperate in coordinating procedures of represented agencies for the orderly provision of services for offenders with medical or mental impairments;

(5) evaluate programs in this state and outside this state for offenders with medical or mental impairments and recommend to the directors of state programs methods of improving the programs;

(6) collect and disseminate information about available programs to judicial officers, law enforcement officers, probation and parole officers, providers of social services or treatment, and the public;

(7) provide technical assistance to represented agencies and organizations in the development of appropriate training programs;

(8) apply for and receive money made available by the federal or state government or by any other public or private source to be used by the office [~~council~~] to perform its duties;

(9) distribute to political subdivisions, private organizations, or other persons money appropriated by the

legislature to be used for the development, operation, or evaluation of programs for offenders with medical or mental impairments;

(10) develop and implement pilot projects to demonstrate a cooperative program to identify, evaluate, and manage outside of incarceration offenders with medical or mental impairments; and

(11) assess the need for demonstration projects and provide management for approved projects.

~~[(b) The council shall develop and implement policies that clearly separate the policymaking responsibilities of the council and the management responsibilities of the staff of the council.]~~

SECTION 11. Section 614.008, Health and Safety Code, is amended to read as follows:

Sec. 614.008. COMMUNITY-BASED DIVERSION ~~[PILOT]~~ PROGRAM FOR OFFENDERS WITH MEDICAL OR MENTAL IMPAIRMENTS. (a) The office may maintain at least one ~~[council shall establish a pilot]~~ program in a county selected by the office to employ ~~[council to implement]~~ a cooperative community-based alternative system to divert from the state criminal justice system offenders with mental impairments or offenders who are identified as being elderly, physically disabled, terminally ill, or significantly ill ~~[who do not have an instant offense that is an offense described in Section 39, Article 42.12, Code of Criminal Procedure,]~~ and to rehabilitate those offenders.

(b) ~~[The program must conform to the report and recommendations made by the Texas Department of Mental Health and Mental Retardation and the Texas Department of Corrections to the 70th Legislature as directed by S.C.R. No. 128, 69th Legislature, Regular Session, 1985.]~~

~~[(c)]~~ The office ~~[council]~~ may contract for or employ and train a case management team to carry out the purposes of the program and to coordinate the joint efforts of agencies represented on the committee ~~[council]~~.

(c) ~~[(d)]~~ The agencies represented on the committee ~~[council]~~ shall perform duties and offer services as required by the office ~~[council]~~ to further the purposes of the ~~[pilot]~~ program and the office ~~[council]~~.

SECTION 12. Section 614.009, Health and Safety Code, is amended to read as follows:

Sec. 614.009. BIENNIAL REPORT. Not later than February 1 of each odd-numbered year, the office [~~council~~] shall present to the board and file with the governor, lieutenant governor, and speaker of the house of representatives a report giving the details of the office's [~~council's~~] activities during the preceding biennium. The report must include:

(1) an evaluation of any demonstration project undertaken by the office [~~council~~];

(2) an evaluation of the [~~council's~~] progress made by the office toward developing a plan for meeting the treatment, rehabilitative, and educational needs of offenders with special needs;

(3) recommendations of the office [~~council~~] made in accordance with Section 614.007(5);

(4) an evaluation of the development and implementation of the continuity of care and service programs established under Sections 614.013, 614.014, 614.015, and 614.016, changes in rules, policies, or procedures relating to the programs, future plans for the programs, and any recommendations for legislation; and

(5) any other recommendations that the office [~~council~~] considers appropriate.

SECTION 13. Section 614.0101, Health and Safety Code, is amended to read as follows:

Sec. 614.0101. PUBLIC ACCESS. The committee [~~council~~] shall develop and implement policies that provide the public with a reasonable opportunity to appear before the committee [~~council~~] and to speak on any issue under the jurisdiction of the committee or office [~~council~~].

SECTION 14. Section 614.0102, Health and Safety Code, is amended to read as follows:

Sec. 614.0102. COMPLAINTS. (a) The office [~~council~~] shall maintain a file on each written complaint filed with the office [~~council~~]. The file must include:

(1) the name of the person who filed the complaint;

(2) the date the complaint is received by the office ~~[council]~~;

(3) the subject matter of the complaint;

(4) the name of each person contacted in relation to the complaint;

(5) a summary of the results of the review or investigation of the complaint; and

(6) an explanation of the reason the file was closed, if the office ~~[council]~~ closed the file without taking action other than to investigate the complaint.

(b) The office ~~[council]~~ shall provide to the person filing the complaint and to each person who is a subject of the complaint a copy of the office's ~~[council's]~~ policies and procedures relating to complaint investigation and resolution.

(c) The office ~~[council]~~, at least quarterly until final disposition of the complaint, shall notify the person filing the complaint and each person who is a subject of the complaint of the status of the investigation unless the notice would jeopardize an undercover investigation.

SECTION 15. Sections 614.013(a), (b), and (e), Health and Safety Code, are amended to read as follows:

(a) The Texas Department of Criminal Justice, the Texas Department of Mental Health and Mental Retardation, representatives of local mental health or mental retardation authorities appointed by the commissioner of the Texas Department of Mental Health and Mental Retardation, and the directors of community supervision and corrections departments shall adopt a memorandum of understanding that establishes their respective responsibilities to institute a continuity of care and service program for offenders with mental impairments in the criminal justice system. The office ~~[council]~~ shall coordinate and monitor the development and implementation of the memorandum of understanding.

(b) The memorandum of understanding must establish methods for:

(1) identifying offenders with mental impairments in the criminal justice system and collecting and reporting prevalence

rate data to the office [~~council~~];

(2) developing interagency rules, policies, procedures, and standards for the coordination of care of and the exchange of information on offenders with mental impairments by local and state criminal justice agencies, the Texas Department of Mental Health and Mental Retardation, local mental health or mental retardation authorities, the Commission on Jail Standards, and local jails;

(3) identifying the services needed by offenders with mental impairments to reenter the community successfully; and

(4) establishing a process to report implementation activities to the office [~~council~~].

(e) The office [~~council~~], in coordination with each state agency identified in Subsection (b)(2), shall develop a standardized process for collecting and reporting the memorandum of understanding implementation outcomes by local and state criminal justice agencies and local and state mental health or mental retardation authorities. The findings of these reports shall be submitted to the office [~~council~~] by September 1 of each even-numbered year and shall be included in recommendations to the board [~~legislature~~] in the office's biennial [~~council's biennium~~] report under Section 614.009.

SECTION 16. Section 614.014(a), Health and Safety Code, is amended to read as follows:

(a) The Texas Department of Criminal Justice, the Texas Department of Human Services, and the Texas Department on Aging by rule shall adopt a memorandum of understanding that establishes their respective responsibilities to institute a continuity of care and service program for elderly offenders in the criminal justice system. The office [~~council~~] shall coordinate and monitor the development and implementation of the memorandum of understanding.

SECTION 17. Section 614.016, Health and Safety Code, is amended to read as follows:

Sec. 614.016. CONTINUITY OF CARE FOR CERTAIN OFFENDERS BY LAW ENFORCEMENT AND JAILS. (a) The office [~~council~~], the Commission on Law Enforcement Officer Standards and Education, and the Commission on Jail Standards by rule shall adopt a memorandum of

understanding that establishes their respective responsibilities to institute a continuity of care and service program for offenders in the criminal justice system who are mentally impaired, elderly, physically disabled, terminally ill, or significantly ill.

(b) The memorandum of understanding must establish methods for:

(1) identifying offenders in the criminal justice system who are mentally impaired, elderly, physically disabled, terminally ill, or significantly ill;

(2) developing procedures for the exchange of information relating to offenders who are mentally impaired, elderly, physically disabled, terminally ill, or significantly ill by the office [~~council~~], the Commission on Law Enforcement Officer Standards and Education, and the Commission on Jail Standards for use in the continuity of care and services program; and

(3) adopting rules and standards that assist in the development of a continuity of care and services program for offenders who are mentally impaired, elderly, physically disabled, terminally ill, or significantly ill.

SECTION 18. Section 614.017(c)(2), Health and Safety Code, is amended to read as follows:

(2) "Special needs offender" includes [~~means~~] an individual for whom criminal charges are pending or who after conviction or adjudication is in custody or under any form of criminal justice supervision.

SECTION 19. Section 614.019, Health and Safety Code, as added by Chapter 328, Acts of the 77th Legislature, Regular Session, 2001, is amended to read as follows:

Sec. 614.019. [~~PILOT~~] PROGRAMS FOR JUVENILES. The office [~~council~~], in cooperation with the Texas Commission on Alcohol and Drug Abuse, the Texas Department of Mental Health and Mental Retardation, the Department of Protective and Regulatory Services, the Texas Juvenile Probation Commission, the Texas Youth Commission, and the Texas Education Agency, may establish and maintain [~~pilot~~] programs, building on existing successful efforts in communities, to address prevention, intervention, and continuity of care for juveniles with mental health and substance

abuse disorders.

SECTION 20. Section 614.019, Health and Safety Code, as added by Chapter 1499, Acts of the 77th Legislature, Regular Session, 2001, is renumbered as Section 614.020, Health and Safety Code, and amended to read as follows:

Sec. 614.020 [~~614.019~~]. YOUTH ASSERTIVE COMMUNITY TREATMENT [~~PILOT~~] PROGRAM. (a) The office [~~council~~] may establish and maintain in Tarrant County an assertive community treatment [~~pilot~~] program to provide treatment, rehabilitation, and support services to individuals in that county who:

- (1) are under 18 years of age;
- (2) have severe and persistent mental illness;
- (3) have a history of:
 - (A) multiple hospitalizations;
 - (B) poor performance in school;
 - (C) placement in emergency shelters or residential treatment facilities; or
 - (D) chemical dependency or abuse; and
- (4) have been placed on probation by a juvenile court.

(b) The [~~pilot~~] program must be modeled after other assertive community treatment programs established by the Texas Department of Mental Health and Mental Retardation. The program is limited to serving not more than 30 program participants at any time.

(c) If the office [~~council~~] creates and maintains a [~~pilot~~] program under this section, the office [~~council~~] shall provide for the program a team of licensed or degreed professionals in the clinical treatment or rehabilitation field to administer the [~~pilot~~] program. A team provided [~~created~~] under this subsection must include:

- (1) a registered nurse to provide full-time direct services to the program participants; and
- (2) a psychiatrist available to the program for 10 or more hours each week.

(d) In administering the [~~pilot~~] program, the program's professional team shall:

- (1) provide psychiatric, substance abuse, and

employment services to program participants;

(2) maintain a ratio of one or more team members for each 10 program participants to the extent practicable;

(3) be available to program participants during evening and weekend hours;

(4) meet the needs of special populations;

(5) maintain at all times availability for addressing and managing a psychiatric crisis of any program participant; and

(6) cover the geographic areas served by the program.

(e) The office [~~council~~] and the [~~pilot~~] program shall cooperate with or contract with local agencies to avoid duplication of services and to maximize federal Medicaid funding.

SECTION 21. Section 508.146, Government Code, is amended to read as follows:

Sec. 508.146. MEDICALLY RECOMMENDED INTENSIVE SUPERVISION.

(a) An inmate serving a sentence for which parole eligibility is otherwise determined under Section 508.145(f) may become eligible for release on medically recommended intensive supervision on a date designated by a parole panel that is earlier than the date computed under that section if:

(1) the Texas Correctional Office [~~Texas Council~~] on Offenders with Medical or Mental Impairments, in cooperation with the Correctional Managed Health Care Committee, identifies the inmate as being elderly, physically disabled [~~handicapped~~], mentally ill, terminally ill, or mentally retarded[~~7~~] or having a condition requiring long-term care;

(2) the parole panel determines that, based on the inmate's condition and a medical evaluation, the inmate does not constitute a threat to public safety; and

(3) the Texas Correctional Office [~~Texas Council~~] on Offenders with Medical or Mental Impairments, in cooperation with the pardons and paroles division, has prepared for the inmate a medically recommended intensive supervision plan that requires the inmate to submit to electronic monitoring, places the inmate on super-intensive supervision, or otherwise ensures appropriate supervision of the inmate.

(b) An inmate may be released on medically recommended

intensive supervision only if the inmate's medically recommended intensive supervision plan under Subsection (a)(3) is approved by the Texas Correctional Office [~~Texas Council~~] on Offenders with Medical or Mental Impairments.

(c) A parole panel shall require as a condition of release under this section that the releasee remain under the care of a physician and in a medically suitable placement. At least once each calendar quarter, the Texas Correctional Office [~~Texas Council~~] on Offenders with Medical or Mental Impairments shall report to the board on the releasee's medical and placement status. On the basis of the report, a parole panel may modify conditions of release and impose any condition on the releasee that the panel could impose on a releasee released under Section 508.145, including a condition that the releasee reside in a halfway house or community residential facility.

(d) The Texas Correctional Office [~~Texas Council~~] on Offenders with Medical or Mental Impairments and the Texas Department of Human Services shall jointly request proposals from public or private vendors to provide under contract services for inmates released on medically recommended intensive supervision. A request for proposals under this subsection may require that the services be provided in a medical care facility located in an urban area. For the purposes of this subsection, "urban area" means the area in this state within a metropolitan statistical area, according to the standards of the United States Bureau of the Census.

SECTION 22. The following sections of the Health and Safety Code are repealed:

- (1) Section 614.010;
- (2) Section 614.011; and
- (3) Section 614.012.

SECTION 23. (a) The changes in law made by this Act in renaming the Texas Council on Offenders with Mental Impairments as the Advisory Committee to the Texas Board of Criminal Justice on Offenders with Medical or Mental Impairments and in amending the qualifications of, and the prohibitions applying to, members of the committee do not affect the entitlement of a person serving as a

member of the council immediately before September 1, 2003, to continue as a member of the committee for the remainder of the person's term. The changes in law apply only to a person appointed on or after September 1, 2003. This Act does not prohibit a person who is a member of the Texas Council on Offenders with Mental Impairments immediately before September 1, 2003, from being reappointed as a member of the Advisory Committee to the Texas Board of Criminal Justice on Offenders with Medical or Mental Impairments if the person has the qualifications required for the position under Section 614.002, Health and Safety Code, as amended by this Act. The entities required by Section 614.002(c), Health and Safety Code, as amended by this Act, to submit a list of candidates for membership on the Advisory Committee to the Texas Board of Criminal Justice on Offenders with Medical or Mental Impairments shall make that submission no later than September 1, 2003.

(b) The Texas Correctional Office on Offenders with Medical or Mental Impairments shall present to the Texas Board of Criminal Justice the first biennial report required by Section 614.009, Health and Safety Code, as amended by this Act, not later than February 1, 2005.

SECTION 24. This Act takes effect September 1, 2003.