

BILL ANALYSIS

S.B. 1145
By: Madla
Public Health
Committee Report (Unamended)

BACKGROUND AND PURPOSE

About 15-20 percent of people in Texas jails and prisons have a diagnosis of serious mental illness and/or substance abuse. For example, in Bexar County alone, more than 500 individuals with a non-violent psychiatric disorder are incarcerated solely because of the untreated symptoms of their illness. “Criminalizing” persons with mental illness is inappropriate. However, to keep these people out of jail, there must be programs available to send them for treatment.

This bill would require the Board of the Texas Department of Mental Health and Mental Retardation to adopt rules that provide for the prioritization of funding for diversion of persons with mental health or mental retardation from incarceration to appropriate health care treatment and services.

RULEMAKING AUTHORITY

It is the committee’s opinion that rulemaking authority is expressly granted to the Board of Health in SECTION 1(Section 533.014(a), Health and Safety Code) of this bill.

ANALYSIS

This bill amends the Health and Safety Code by requiring the Texas Board of Mental Health and Mental Retardation to adopt rules that relate to the responsibility of the local mental health authorities to make recommendations relating to the most appropriate and available treatment alternatives for individuals in need of mental health services including individuals who are in contact with criminal justice system and individuals detained in local jails and juvenile detention facilities.

In addition the bill requires local mental health or mental retardation authorities to prioritize funding to encourage the development of a system to divert persons with mental health or mental retardation from incarceration to services appropriate to their needs. The bill sets forth requirements for what the system to divert persons with special needs from incarceration to services appropriate to their needs must include. The bill contains provisions for specialized training and crisis intervention training for law enforcement personnel. The bill requires local mental health or mental retardation authorities to collaborate with other local resources, including law enforcement and judicial systems in developing a system, training, or a model program and requires prior approval from the Texas Department of Mental Health and Mental Retardation before implementing any such system, training, or model program.

EFFECTIVE DATE

September 1, 2003.