

By: Uresti

H.B. No. 1967

A BILL TO BE ENTITLED

AN ACT

1
2 relating to diverting persons with mental health disorders, mental
3 retardation, or substance abuse problems from incarceration in
4 certain counties.

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

6 SECTION 1. Section 533.014(a), Health and Safety Code, is
7 amended to read as follows:

8 (a) The board shall adopt rules that:

9 (1) relate to the responsibility of the local mental
10 health authorities to make recommendations relating to the most
11 appropriate and available treatment alternatives for individuals
12 in need of mental health services, including individuals who are in
13 contact with the criminal justice system and individuals detained
14 in local jails and juvenile detention facilities;

15 (2) govern commitments to a local mental health
16 authority;

17 (3) govern transfers of patients that involve a local
18 mental health authority; and

19 (4) provide for emergency admission to a department
20 mental health facility if obtaining approval from the authority
21 could result in a delay that might endanger the patient or others.

22 SECTION 2. Section 533.107, Health and Safety Code, is
23 amended to read as follows:

24 Sec. 533.107. EXPIRATION. This section and Sections

1 533.101-533.106 expire [~~This subchapter expires~~] September 1,
2 2005.

3 SECTION 3. Subchapter E, Chapter 533, Health and Safety
4 Code, is amended by adding Section 533.108 to read as follows:

5 Sec. 533.108. PRIORITIZATION OF FUNDING FOR DIVERSION OF
6 PERSONS FROM INCARCERATION IN CERTAIN COUNTIES. (a) In this
7 section "persons with special needs" means individuals with:

- 8 (1) mental health disorders;
9 (2) mental retardation;
10 (3) substance abuse problems; or
11 (4) a combination of the conditions listed in
12 Subdivisions (1)-(3).

13 (b) The department shall prioritize providing funding for
14 local mental health authorities that serve counties with
15 populations greater than 500,000 to encourage the development of:

16 (1) a system to divert persons with special needs from
17 incarceration to services appropriate to their needs, including:

- 18 (A) screening and assessment services;
19 (B) treatment services, including:
20 (i) assertive community treatment
21 services;

- 22 (ii) inpatient crisis respite services;
23 (iii) medication management services;
24 (iv) short-term residential services;
25 (v) shelter care services;
26 (vi) crisis respite residential services;
27 (vii) outpatient integrated mental health

1 services;

2 (viii) co-occurring substance abuse
3 treatment services;

4 (ix) psychiatric rehabilitation and
5 service coordination services;

6 (x) continuity of care services; and

7 (xi) services consistent with the Texas
8 Council on Offenders with Mental Impairments model; and

9 (C) specialized training of local law
10 enforcement and court personnel to identify and manage offenders or
11 suspects who may be persons with special needs; and

12 (2) other model programs for offenders and suspects
13 who may be persons with special needs, including crisis
14 intervention training for law enforcement personnel.

15 SECTION 4. This Act takes effect September 1, 2003.