

By: Coleman

H.B. No. 2609

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of mental health court programs.

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

SECTION 1. Subtitle E, Title 7, Health and Safety Code, is amended by adding Chapter 616 to read as follows:

CHAPTER 616. MENTAL HEALTH COURT PROGRAMS

Sec. 616.001. MENTAL HEALTH COURT PROGRAM DEFINED. In this chapter, "mental health court program" means a program that has the following essential characteristics:

(1) the integration of mental illness treatment services and mental retardation services in the processing of cases in the judicial system;

(2) the use of a nonadversarial approach involving prosecutors and defense attorneys to promote public safety and to protect the due process rights of program participants;

(3) early identification and prompt placement of eligible participants in the program;

(4) access to mental illness treatment services and mental retardation services;

(5) ongoing judicial interaction with program participants;

(6) diversion of potentially mentally ill or mentally retarded defendants to needed services as an alternative to subjecting those defendants to the criminal justice system;

1 (7) monitoring and evaluation of program goals and
2 effectiveness;

3 (8) continuing interdisciplinary education to promote
4 effective program planning, implementation, and operations; and

5 (9) development of partnerships with public agencies
6 and community organizations, including local mental retardation
7 authorities.

8 Sec. 616.002. AUTHORITY TO ESTABLISH PROGRAM. The
9 commissioners court of a county may establish a mental health court
10 program for persons who:

11 (1) have been arrested for or charged with a
12 misdemeanor; and

13 (2) are suspected by a law enforcement agency or a
14 court of having a mental illness or mental retardation.

15 Sec. 616.003. PROGRAM. A mental health court program
16 established under Section 616.002 may handle all issues arising
17 under Articles 16.22, 17.032, and 46.02, Code of Criminal
18 Procedure.

19 Sec. 616.004. OVERSIGHT. (a) The lieutenant governor and
20 the speaker of the house of representatives may assign to
21 appropriate legislative committees duties relating to the
22 oversight of mental health court programs established under Section
23 616.002.

24 (b) A legislative committee or the governor may request the
25 state auditor to perform a management, operations, or financial or
26 accounting audit of a mental health court program established under
27 Section 616.002.

1 Sec. 616.005. FUNDING. (a) The Texas Department of
2 Criminal Justice by rule shall adopt a procedure to fund mental
3 health court programs. The procedure must be designed so that the
4 department:

5 (1) quantifies the total amount of money that would
6 have been spent from state appropriations on each participant if
7 the participant remained in the criminal justice system; and

8 (2) transfers the amounts quantified under
9 Subdivision (1) to the mental health court program in which the
10 participant is participating.

11 (b) A mental health court program may require a participant
12 to pay the cost of all treatment and services received while
13 participating in the program, based on the participant's ability to
14 pay.

15 SECTION 2. As soon as practicable after the effective date
16 of this Act, the Texas Department of Criminal Justice shall adopt a
17 procedure to fund mental health court programs as required by
18 Section 616.005, Health and Safety Code, as added by this Act.

19 SECTION 3. This Act takes effect September 1, 2003.