

1-1 By: Coleman, Naishtat (Senate Sponsor - Nelson) H.B. No. 2609  
1-2 (In the Senate - Received from the House May 7, 2003;  
1-3 May 9, 2003, read first time and referred to Committee on Health  
1-4 and Human Services; May 22, 2003, reported favorably by the  
1-5 following vote: Yeas 9, Nays 0; May 22, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the establishment of mental health court programs.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Subtitle E, Title 7, Health and Safety Code, is  
1-11 amended by adding Chapter 616 to read as follows:

1-12 CHAPTER 616. MENTAL HEALTH COURT PROGRAMS

1-13 Sec. 616.001. MENTAL HEALTH COURT PROGRAM DEFINED. In this  
1-14 chapter, "mental health court program" means a program that has the  
1-15 following essential characteristics:

1-16 (1) the integration of mental illness treatment  
1-17 services and mental retardation services in the processing of cases  
1-18 in the judicial system;

1-19 (2) the use of a nonadversarial approach involving  
1-20 prosecutors and defense attorneys to promote public safety and to  
1-21 protect the due process rights of program participants;

1-22 (3) early identification and prompt placement of  
1-23 eligible participants in the program;

1-24 (4) access to mental illness treatment services and  
1-25 mental retardation services;

1-26 (5) ongoing judicial interaction with program  
1-27 participants;

1-28 (6) diversion of potentially mentally ill or mentally  
1-29 retarded defendants to needed services as an alternative to  
1-30 subjecting those defendants to the criminal justice system;

1-31 (7) monitoring and evaluation of program goals and  
1-32 effectiveness;

1-33 (8) continuing interdisciplinary education to promote  
1-34 effective program planning, implementation, and operations; and

1-35 (9) development of partnerships with public agencies  
1-36 and community organizations, including local mental retardation  
1-37 authorities.

1-38 Sec. 616.002. AUTHORITY TO ESTABLISH PROGRAM. The  
1-39 commissioners court of a county may establish a mental health court  
1-40 program for persons who:

1-41 (1) have been arrested for or charged with a  
1-42 misdemeanor; and

1-43 (2) are suspected by a law enforcement agency or a  
1-44 court of having a mental illness or mental retardation.

1-45 Sec. 616.003. PROGRAM. A mental health court program  
1-46 established under Section 616.002 may handle all issues arising  
1-47 under Articles 16.22, 17.032, and 46.02, Code of Criminal  
1-48 Procedure.

1-49 Sec. 616.004. OVERSIGHT. (a) The lieutenant governor and  
1-50 the speaker of the house of representatives may assign to  
1-51 appropriate legislative committees duties relating to the  
1-52 oversight of mental health court programs established under Section  
1-53 616.002.

1-54 (b) A legislative committee or the governor may request the  
1-55 state auditor to perform a management, operations, or financial or  
1-56 accounting audit of a mental health court program established under  
1-57 Section 616.002.

1-58 Sec. 616.005. PARTICIPANT PAYMENT FOR TREATMENT AND  
1-59 SERVICES. A mental health court program may require a participant  
1-60 to pay the cost of all treatment and services received while  
1-61 participating in the program, based on the participant's ability to  
1-62 pay.

1-63 SECTION 2. This Act takes effect September 1, 2003.

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