

AN ACT

relating to the structure and functions of the Texas Council on Offenders with Mental Impairments and to reassigning the duties of the council to the Advisory Committee to the Texas Board of Criminal Justice on Offenders with Medical or Mental Impairments and the Texas Correctional Office on Offenders with Medical or Mental Impairments.

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

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

1 person with access to services required by the person and ensures
2 the coordinated delivery of those services to the person.

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

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

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

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

12 (C) is likely to continue indefinitely;

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

16 (i) self-care;

17 (ii) self-direction;

18 (iii) learning;

19 (iv) receptive and expressive language;

20 (v) mobility;

21 (vi) capacity for independent living; or

22 (vii) economic self-sufficiency; and

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

27 (5) "Mental illness" has the meaning assigned by

1 Section 571.003.

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

4 (7) [(6)] "Mental retardation" has the meaning
5 assigned by Section 591.003.

6 (8) [(7)] "Offender with a medical or mental
7 impairment" means a juvenile or adult [with mental illness, mental
8 retardation, or a developmental disability] who is arrested or
9 charged with a criminal offense and who:

10 (A) has a mental impairment; or

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

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

15 (10) [(8)] "Person with mental retardation" means a
16 juvenile or adult with mental retardation that is not a mental
17 disorder who, because of the mental deficit, requires special
18 training, education, supervision, treatment, care, or control in
19 the person's home or community or in a private or state school for
20 persons with mental retardation.

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

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

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

27 (b) The governor shall appoint, with the advice and consent

1 of the senate:

2 (1) four at-large members who have expertise in mental
3 health, mental retardation, or developmental disabilities, three
4 ~~[one]~~ of whom must be forensic psychiatrists or forensic
5 psychologists ~~[a psychiatrist]~~;

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

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

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

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

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

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

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

21 (A) the Texas District and County Attorneys
22 Association;

23 (B) the Texas Criminal Defense Lawyers
24 Association;

25 (C) the Texas Association of Counties;

26 (D) the Texas Medical Association;

27 (E) the Texas Society of Psychiatric Physicians;

1 (F) the Texas Psychological Association;

2 (G) the Sheriffs' Association of Texas;

3 (H) the court of criminal appeals;

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

6 (J) the Texas Conference of Urban Counties.

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

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

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

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

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

1 profession related to the operation of the committee [~~council~~].

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

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

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

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

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

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

15 (6) the Texas Juvenile Probation Commission;

16 (7) the Texas Youth Commission;

17 (8) the Texas Rehabilitation Commission;

18 (9) the Texas Education Agency;

19 (10) the Criminal Justice Policy Council;

20 (11) the Mental Health Association in Texas;

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

22 (13) the Commission on Law Enforcement Officer
23 Standards and Education;

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

26 (15) the Commission on Jail Standards;

27 (16) the Texas Council for Developmental

1 Disabilities;

2 (17) the Texas Association for Retarded Citizens;

3 (18) the Texas Alliance for the Mentally Ill;

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

6 (20) the Texas Department of Human Services; and

7 (21) the Texas Department on Aging.

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

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

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

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

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

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

26 (5) is absent from more than half of the regularly
27 scheduled committee [~~council~~] meetings that the member is eligible

1 to attend during a calendar year without an excuse approved by a
2 majority vote of the committee [~~council~~]; or

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

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

9 (i) If the director of the committee [~~council~~] has knowledge
10 that a potential ground for removal exists, the director shall
11 notify the presiding officer of the committee [~~council~~] of the
12 potential ground. The presiding officer shall then notify the
13 governor and the attorney general that a potential ground for
14 removal exists. If the potential ground for removal involves the
15 presiding officer, the director shall notify the next highest
16 ranking officer of the committee [~~council~~], who shall then notify
17 the governor and the attorney general that a potential ground for
18 removal exists.

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

24 (k) The committee shall advise the board and the director of
25 the Texas Correctional Office on Offenders with Medical or Mental
26 Impairments on matters related to offenders with medical or mental
27 impairments and perform other duties imposed by the board.

1 ~~[Members who are not associated with a state agency or division must~~
2 ~~have expertise in the rehabilitation of persons with mental~~
3 ~~illness, mental retardation, or a developmental disability when~~
4 ~~appointed or designated and while serving on the council.]~~

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

7 Sec. 614.003. TEXAS CORRECTIONAL OFFICE ON OFFENDERS WITH
8 MEDICAL OR MENTAL IMPAIRMENTS; DIRECTOR ~~[INFORMATION-~~
9 ~~REQUIREMENTS FOR OFFICE OR EMPLOYMENT]~~. The Texas Correctional
10 Office on Offenders with Medical or Mental Impairments shall
11 perform duties imposed on or assigned to the office by this chapter,
12 other law, the board, and the executive director of the Texas
13 Department of Criminal Justice. The executive director of the
14 Texas Department of Criminal Justice shall hire a director of the
15 office. The director serves at the pleasure of the executive
16 director. The director shall hire the employees for the office ~~[or~~
17 ~~the executive director's designee shall provide to members of the~~
18 ~~council and to agency employees, as often as necessary, information~~
19 ~~regarding the requirements for office or employment under this~~
20 ~~chapter, including information regarding a person's~~
21 ~~responsibilities under applicable laws relating to standards of~~
22 ~~conduct for state officers or employees].~~

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

25 Sec. 614.0031. TRAINING PROGRAM. (a) A person who is
26 appointed to and qualifies for office as a member of the committee
27 ~~[council]~~ may not vote, deliberate, or be counted as a member in

1 attendance at a meeting of the committee [~~council~~] until the person
2 completes a training program that complies with this section.

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

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

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

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

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

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

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

17 (7) the requirements of:

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

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

22 (C) the administrative procedure law, Chapter
23 2001, Government Code; and

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

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

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

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

8 Sec. 614.0032. SPECIAL DUTIES RELATED TO MEDICALLY
9 RECOMMENDED SUPERVISION; COMPETENCY DETERMINATION. (a) The
10 office shall perform duties imposed on the office by Section
11 508.146, Government Code.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 (4) cooperate in coordinating procedures of

1 represented agencies for the orderly provision of services for
2 offenders with medical or mental impairments;

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

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

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

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

17 (9) distribute to political subdivisions, private
18 organizations, or other persons money appropriated by the
19 legislature to be used for the development, operation, or
20 evaluation of programs for offenders with medical or mental
21 impairments;

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

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

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

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

6 Sec. 614.008. COMMUNITY-BASED DIVERSION ~~[PILOT]~~ PROGRAM
7 FOR OFFENDERS WITH MEDICAL OR MENTAL IMPAIRMENTS. (a) The office
8 may maintain at least one ~~[council shall establish a pilot]~~ program
9 in a county selected by the office to employ ~~[council to implement]~~
10 a cooperative community-based alternative system to divert from the
11 state criminal justice system offenders with mental impairments or
12 offenders who are identified as being elderly, physically disabled,
13 terminally ill, or significantly ill ~~[who do not have an instant~~
14 ~~offense that is an offense described in Section 3g, Article 42.12,~~
15 ~~Code of Criminal Procedure,]~~ and to rehabilitate those offenders.

16 (b) ~~[The program must conform to the report and~~
17 ~~recommendations made by the Texas Department of Mental Health and~~
18 ~~Mental Retardation and the Texas Department of Corrections to the~~
19 ~~70th Legislature as directed by S.C.R. No. 128, 69th Legislature,~~
20 ~~Regular Session, 1985.~~

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

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

1 and the office [~~council~~].

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

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

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

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

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

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

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

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

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

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

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

- 11 (1) the name of the person who filed the complaint;
- 12 (2) the date the complaint is received by the office
13 [~~council~~];
- 14 (3) the subject matter of the complaint;
- 15 (4) the name of each person contacted in relation to
16 the complaint;
- 17 (5) a summary of the results of the review or
18 investigation of the complaint; and
- 19 (6) an explanation of the reason the file was closed,
20 if the office [~~council~~] closed the file without taking action other
21 than to investigate the complaint.

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

26 (c) The office [~~council~~], at least quarterly until final
27 disposition of the complaint, shall notify the person filing the

1 complaint and each person who is a subject of the complaint of the
2 status of the investigation unless the notice would jeopardize an
3 undercover investigation.

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

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

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

20 (1) identifying offenders with mental impairments in
21 the criminal justice system and collecting and reporting prevalence
22 rate data to the office [~~council~~];

23 (2) developing interagency rules, policies,
24 procedures, and standards for the coordination of care of and the
25 exchange of information on offenders with mental impairments by
26 local and state criminal justice agencies, the Texas Department of
27 Mental Health and Mental Retardation, local mental health or mental

1 retardation authorities, the Commission on Jail Standards, and
2 local jails;

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

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

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

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

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

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

1 Sec. 614.016. CONTINUITY OF CARE FOR CERTAIN OFFENDERS BY
2 LAW ENFORCEMENT AND JAILS. (a) The office [~~council~~], the
3 Commission on Law Enforcement Officer Standards and Education, and
4 the Commission on Jail Standards by rule shall adopt a memorandum of
5 understanding that establishes their respective responsibilities
6 to institute a continuity of care and service program for offenders
7 in the criminal justice system who are mentally impaired, elderly,
8 physically disabled, terminally ill, or significantly ill.

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

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

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

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

24 SECTION 18. Subdivision (2), Subsection (c), Section
25 614.017, Health and Safety Code, is amended to read as follows:

26 (2) "Special needs offender" includes [~~means~~] an
27 individual for whom criminal charges are pending or who after

1 conviction or adjudication is in custody or under any form of
2 criminal justice supervision.

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

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

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

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

- 25 (1) are under 18 years of age;
- 26 (2) have severe and persistent mental illness;
- 27 (3) have a history of:

1 (A) multiple hospitalizations;

2 (B) poor performance in school;

3 (C) placement in emergency shelters or
4 residential treatment facilities; or

5 (D) chemical dependency or abuse; and

6 (4) have been placed on probation by a juvenile court.

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

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

18 (1) a registered nurse to provide full-time direct
19 services to the program participants; and

20 (2) a psychiatrist available to the program for 10 or
21 more hours each week.

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

24 (1) provide psychiatric, substance abuse, and
25 employment services to program participants;

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

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

3 (4) meet the needs of special populations;

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

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

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

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

12 Sec. 508.146. MEDICALLY RECOMMENDED INTENSIVE SUPERVISION.

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

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

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

27 (3) the Texas Correctional Office [~~Texas Council~~] on

1 Offenders with Medical or Mental Impairments, in cooperation with
2 the pardons and paroles division, has prepared for the inmate a
3 medically recommended intensive supervision plan that requires the
4 inmate to submit to electronic monitoring, places the inmate on
5 super-intensive supervision, or otherwise ensures appropriate
6 supervision of the inmate.

7 (b) An inmate may be released on medically recommended
8 intensive supervision only if the inmate's medically recommended
9 intensive supervision plan under Subsection (a)(3) is approved by
10 the Texas Correctional Office [~~Texas Council~~] on Offenders with
11 Medical or Mental Impairments.

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

23 (d) The Texas Correctional Office [~~Texas Council~~] on
24 Offenders with Medical or Mental Impairments and the Texas
25 Department of Human Services shall jointly request proposals from
26 public or private vendors to provide under contract services for
27 inmates released on medically recommended intensive supervision. A

1 request for proposals under this subsection may require that the
2 services be provided in a medical care facility located in an urban
3 area. For the purposes of this subsection, "urban area" means the
4 area in this state within a metropolitan statistical area,
5 according to the standards of the United States Bureau of the
6 Census.

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

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

12 SECTION 23. (a) The changes in law made by this Act in
13 renaming the Texas Council on Offenders with Mental Impairments as
14 the Advisory Committee to the Texas Board of Criminal Justice on
15 Offenders with Medical or Mental Impairments and in amending the
16 qualifications of, and the prohibitions applying to, members of the
17 committee do not affect the entitlement of a person serving as a
18 member of the council immediately before September 1, 2003, to
19 continue as a member of the committee for the remainder of the
20 person's term. The changes in law apply only to a person appointed
21 on or after September 1, 2003. This Act does not prohibit a person
22 who is a member of the Texas Council on Offenders with Mental
23 Impairments immediately before September 1, 2003, from being
24 reappointed as a member of the Advisory Committee to the Texas Board
25 of Criminal Justice on Offenders with Medical or Mental Impairments
26 if the person has the qualifications required for the position
27 under Section 614.002, Health and Safety Code, as amended by this

1 Act. The entities required by Subsection (c), Section 614.002,
2 Health and Safety Code, as amended by this Act, to submit a list of
3 candidates for membership on the Advisory Committee to the Texas
4 Board of Criminal Justice on Offenders with Medical or Mental
5 Impairments shall make that submission no later than September 1,
6 2003.

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

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

S.B. No. 591

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 591 passed the Senate on April 3, 2003, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendments on May 29, 2003, by a viva-voce vote.

Secretary of the Senate

I hereby certify that S.B. No. 591 passed the House, with amendments, on May 24, 2003, by a non-record vote.

Chief Clerk of the House

Approved:

Date

Governor