

By: Duncan

S.B. No. 591

Substitute the following for S.B. No. 591:

By: Hopson

C.S.S.B. No. 591

A BILL TO BE ENTITLED

1 AN ACT

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

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

9 SECTION 1. The heading to Chapter 614, Health and Safety
10 Code, is amended to read as follows:

11 CHAPTER 614. TEXAS CORRECTIONAL OFFICE [~~TEXAS COUNCIL~~] ON
12 OFFENDERS WITH MEDICAL OR MENTAL IMPAIRMENTS

13 SECTION 2. Section 614.001, Health and Safety Code, is
14 amended to read as follows:

15 Sec. 614.001. DEFINITIONS. In this chapter:

16 (1) "Board" means the Texas Board of Criminal Justice.
17 [~~"Adaptive behavior" means the effectiveness with which a person~~
18 ~~meets the standards of personal independence and social~~
19 ~~responsibility reasonably expected of the person's age and cultural~~
20 ~~group.~~]

21 (2) "Case management" means a process by which a
22 person or team responsible for establishing and continuously
23 maintaining contact with a person with mental illness, a
24 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 30 members.

27 (b) The governor, from a list of candidates submitted from

1 entities described by Subsection (c), shall appoint, with the
2 advice and consent of the senate:

3 (1) four at-large members who have expertise in mental
4 health, mental retardation, or developmental disabilities, one of
5 whom must be 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 shall submit to the governor a
18 list of candidates for membership on the committee:

19 (A) the Texas District and County Attorney's
20 Association;

21 (B) the Texas Criminal Defense Lawyers
22 Association;

23 (C) the Texas Association of Counties;

24 (D) the Texas Medical Association;

25 (E) the Texas Society of Psychiatric Physicians;

26 (F) the Texas Psychological Association; and

27 (G) the Texas Sheriff's Association.

1 (2) The Texas Medical Association, the Texas Society
2 of Psychiatric Physicians, and the Texas Psychological Association
3 may submit a candidate for membership only if the candidate has
4 documented expertise and educational training in, as appropriate,
5 medical forensics, forensic psychology, or forensic psychiatry.

6 (3) The court of criminal appeals shall submit to the
7 governor a list of district judges who are candidates for
8 membership on the committee. [A person may not be an at-large
9 member of the council if the person or the person's spouse:

10 ~~[(1) is employed by or participates in the management~~
11 ~~of a business entity or other organization regulated by or~~
12 ~~receiving money from the council,~~

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

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

20 ~~(d) [A person may not be a member of the council or act as~~
21 ~~the general counsel to the council if the person is required to~~
22 ~~register as a lobbyist under Chapter 305, Government Code, because~~
23 ~~of the person's activities for compensation on behalf of a~~
24 ~~profession related to the operation of the council.~~

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

- 1 (1) the institutional division of the Texas Department
2 of Criminal Justice;
- 3 (2) the Texas Department of Mental Health and Mental
4 Retardation;
- 5 (3) the pardons and paroles division of the Texas
6 Department of Criminal Justice;
- 7 (4) the community justice assistance division of the
8 Texas Department of Criminal Justice;
- 9 (5) the state jail division of the Texas Department of
10 Criminal Justice;
- 11 (6) the Texas Juvenile Probation Commission;
- 12 (7) the Texas Youth Commission;
- 13 (8) the Texas Rehabilitation Commission;
- 14 (9) the Texas Education Agency;
- 15 (10) the Criminal Justice Policy Council;
- 16 (11) the Mental Health Association in Texas;
- 17 (12) the Texas Commission on Alcohol and Drug Abuse;
- 18 (13) the Commission on Law Enforcement Officer
19 Standards and Education;
- 20 (14) the Texas Council of Community Mental Health and
21 Mental Retardation Centers;
- 22 (15) the Commission on Jail Standards;
- 23 (16) the Texas Council for Developmental
24 Disabilities;
- 25 (17) the Texas Association for Retarded Citizens;
- 26 (18) the Texas Alliance for the Mentally Ill;
- 27 (19) the Parent Association for the Retarded of Texas,

1 Inc.;

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

3 (21) the Texas Department on Aging.

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

10 (f) [~~(g)~~] ~~It is a ground for removal from the council that an~~
11 ~~at-large member:~~

12 [~~(1) does not have at the time of taking office the~~
13 ~~qualifications required by Subsections (b), (c), and (k),~~

14 [~~(2) does not maintain during service on the council~~
15 ~~the qualifications required by Subsections (b), (c), and (k),~~

16 [~~(3) is ineligible for membership under Subsection (c)~~
17 ~~or (d),~~

18 [~~(4) cannot, because of illness or disability,~~
19 ~~discharge the member's duties for a substantial part of the member's~~
20 ~~term,~~

21 [~~(5) is absent from more than half of the regularly~~
22 ~~scheduled council meetings that the member is eligible to attend~~
23 ~~during a calendar year without an excuse approved by a majority vote~~
24 ~~of the council, or~~

25 [~~(6) is absent from more than two consecutive~~
26 ~~regularly scheduled council meetings that the member is eligible to~~
27 ~~attend.~~

1 ~~[(h) The validity of an action of the council is not~~
2 ~~affected by the fact that it is taken when a ground for removal of a~~
3 ~~council member exists.~~

4 ~~[(i) If the director of the council has knowledge that a~~
5 ~~potential ground for removal exists, the director shall notify the~~
6 ~~presiding officer of the council of the potential ground. The~~
7 ~~presiding officer shall then notify the governor and the attorney~~
8 ~~general that a potential ground for removal exists. If the~~
9 ~~potential ground for removal involves the presiding officer, the~~
10 ~~director shall notify the next highest ranking officer of the~~
11 ~~council, who shall then notify the governor and the attorney~~
12 ~~general that a potential ground for removal exists.~~

13 ~~[(j)]~~ A representative designated by the executive head of a
14 state agency must be an officer or employee of the agency when
15 designated and while serving on the committee ~~[council]~~, except the
16 representative designated by the director of the Criminal Justice
17 Policy Council must be an employee of that council.

18 [(g) The committee shall advise the board and the director of
19 the Texas Correctional Office on Offenders with Medical or Mental
20 Impairments on matters related to offenders with medical or mental
21 impairments and perform other duties imposed by the board.

22 ~~[(k) Members who are not associated with a state agency or~~
23 ~~division must have expertise in the rehabilitation of persons with~~
24 ~~mental illness, mental retardation, or a developmental disability~~
25 ~~when appointed or designated and while serving on the council.]~~

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

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

17 SECTION 5. Chapter 614, Health and Safety Code, is amended
18 by adding Section 614.0032 to read as follows:

19 Sec. 614.0032. SPECIAL DUTIES RELATED TO MEDICALLY
20 RECOMMENDED SUPERVISION; COMPETENCY DETERMINATION. (a) The office
21 shall perform duties imposed on the office by Section 508.146,
22 Government Code.

23 (b) The office, with the special assistance of committee
24 members appointed under Section 614.002(b)(1), shall review
25 examinations to determine the competency of defendants in criminal
26 cases to stand trial and periodically shall report findings made as
27 a result of the review to the legislature and the court of criminal

1 appeals.

2 SECTION 6. Section 614.004, Health and Safety Code, is
3 amended to read as follows:

4 Sec. 614.004. TERMS. Members [~~The at-large members~~] of the
5 committee [~~council~~] serve at the pleasure of the board [~~for~~
6 ~~staggered six-year terms~~].

7 SECTION 7. Section 614.006, Health and Safety Code, is
8 amended to read as follows:

9 Sec. 614.006. APPLICABILITY OF CERTAIN GOVERNMENT CODE
10 PROVISIONS. The provisions of Chapter 2110, Government Code, other
11 than Section 2110.002(a), apply to the committee. [~~REIMBURSEMENT~~
12 ~~FOR EXPENSES. A member of the council is not entitled to~~
13 ~~compensation for performing duties on the council but is entitled~~
14 ~~to receive reimbursement from the council for travel and other~~
15 ~~necessary expenses incurred in performing official duties at the~~
16 ~~rate provided for state employees in the General Appropriations~~
17 ~~Act.~~]

18 SECTION 8. Section 614.007, Health and Safety Code, is
19 amended to read as follows:

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

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

24 (2) identify needed services for offenders with
25 medical or mental impairments;

26 (3) develop a plan for meeting the treatment,
27 rehabilitative, and educational needs of offenders with medical or

1 mental impairments that includes a case management system and the
2 development of community-based alternatives to incarceration;

3 (4) cooperate in coordinating procedures of
4 represented agencies for the orderly provision of services for
5 offenders with medical or mental impairments;

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

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

14 (7) provide technical assistance to represented
15 agencies and organizations in the development of appropriate
16 training programs;

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

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

25 (10) develop and implement pilot projects to
26 demonstrate a cooperative program to identify, evaluate, and manage
27 outside of incarceration offenders with medical or mental

1 impairments; and

2 (11) assess the need for demonstration projects and
3 provide management for approved projects.

4 ~~[(b) The council shall develop and implement policies that~~
5 ~~clearly separate the policymaking responsibilities of the council~~
6 ~~and the management responsibilities of the staff of the council.]~~

7 SECTION 9. Section 614.008, Health and Safety Code, is
8 amended to read as follows:

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

18 (b) Not later than September 1 of each even-numbered year,
19 the office and the Texas Department of Mental Health and Mental
20 Retardation shall present to the board a report explaining the
21 results of their collaborative effort, including departmental
22 procedure, policy, or regulation changes, future agency planning,
23 and recommendations for legislation or statutory modification. The
24 program must conform to the report and recommendations made by the
25 office and the Texas Department of Mental Health and Mental
26 Retardation under this subsection ~~[and the Texas Department of~~
27 ~~Corrections to the 70th Legislature as directed by S.C.R. No. 128,~~

1 ~~69th Legislature, Regular Session, 1985~~].

2 (c) The office [~~council~~] may contract for or employ and
3 train a case management team to carry out the purposes of the
4 program and to coordinate the joint efforts of agencies represented
5 on the office [~~council~~].

6 (d) The agencies represented on the office [~~council~~] shall
7 perform duties and offer services as required by the office
8 [~~council~~] to further the purposes of the [~~pilot~~] program and the
9 office [~~council~~].

10 SECTION 10. Section 614.011, Health and Safety Code, is
11 renumbered as Section 614.0085, Health and Safety Code, and amended
12 to read as follows:

13 Sec. 614.0085 [~~614.011~~]. COMMUNITY-BASED DIVERSION
14 [~~ADDITIONAL PILOT~~] PROGRAM FOR OTHER OFFENDERS WITH MEDICAL OR
15 MENTAL IMPAIRMENTS. (a) In addition to the [~~pilot~~] program
16 required under Section 614.008, the office [~~council~~] may establish
17 and maintain a [~~pilot~~] program in a county selected by the office to
18 employ [~~council to implement~~] a cooperative community-based
19 alternative system to divert from the state criminal justice system
20 and rehabilitate nonviolent offenders who are identified as being
21 elderly, physically disabled, terminally ill, or significantly
22 ill[~~, or physically handicapped~~] and who are not charged with or
23 sentenced for an instant offense that is described in Section 3g,
24 Article 42.12, Code of Criminal Procedure.

25 (b) The office [~~council~~] and the Texas Department of Mental
26 Health and Mental Retardation shall collaborate with the Texas
27 Department on Aging, the Texas Rehabilitation Commission, the

1 Department of Human Services, and the Texas Department of Health to
2 develop creative community-based alternatives for elderly,
3 physically disabled, terminally ill, or significantly ill~~[, or~~
4 ~~physically handicapped]~~ offenders described in Subsection (a).

5 (c) Not later than September 1 of each even-numbered year,
6 the office [~~The council~~] and the Texas Department of Mental Health
7 and Mental Retardation, the Texas Department on Aging, the Texas
8 Rehabilitation Commission, the Department of Human Services, and
9 the Texas Department of Health shall present to the board [~~73rd~~
10 ~~Legislature~~] a report explaining the results of their collaborative
11 effort, including departmental procedure, policy, or regulation
12 changes, future agency planning, and recommendations for
13 legislation or statutory modification.

14 (d) The program must conform to the report and
15 recommendations made by the office [~~council~~], the Texas Department
16 of Mental Health and Mental Retardation, the Texas Department on
17 Aging, the Texas Rehabilitation Commission, the Department of Human
18 Services, and the Texas Department of Health under Subsection (c).

19 (e) The office [~~council~~] may employ and train a case
20 management team to carry out the purposes of the program and to
21 coordinate the joint efforts of agencies represented on the office
22 [~~council~~].

23 (f) The agencies represented on the committee [~~council~~]
24 shall perform duties and offer services as required by the
25 committee [~~council~~] to further the purposes of the [~~pilot~~]
26 and the committee [~~council~~].

27 SECTION 11. Section 614.009, Health and Safety Code, is

1 amended to read as follows:

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

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

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

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

17 (4) an evaluation of the development and
18 implementation of the continuity of care and service programs
19 established under Sections 614.013, 614.014, 614.015, and 614.016,
20 changes in rules, policies, or procedures relating to the programs,
21 future plans for the programs, and any recommendations for
22 legislation in addition to those made in a report presented under
23 Section 614.008 or 614.0085; and

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

26 SECTION 12. Sections 614.013(a), (b), and (e), Health and
27 Safety Code, are amended to read as follows:

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

13 (b) The memorandum of understanding must establish methods
14 for:

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

18 (2) developing interagency rules, policies,
19 procedures, and standards for the coordination of care of and the
20 exchange of information on offenders with mental impairments by
21 local and state criminal justice agencies, the Texas Department of
22 Mental Health and Mental Retardation, local mental health or mental
23 retardation authorities, the Commission on Jail Standards, and
24 local jails;

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

27 (4) establishing a process to report implementation

1 activities to the office [~~council~~].

2 (e) The office [~~council~~], in coordination with each state
3 agency identified in Subsection (b)(2), shall develop a
4 standardized process for collecting and reporting the memorandum of
5 understanding implementation outcomes by local and state criminal
6 justice agencies and local and state mental health or mental
7 retardation authorities. The findings of these reports shall be
8 submitted to the office [~~council~~] by September 1 of each
9 even-numbered year and shall be included in recommendations to the
10 board [~~legislature~~] in the office's biennial [~~council's biennium~~]
11 report under Section 614.008.

12 SECTION 13. Section 614.014(a), Health and Safety Code, is
13 amended to read as follows:

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

21 SECTION 14. Section 614.016, Health and Safety Code, is
22 amended to read as follows:

23 Sec. 614.016. CONTINUITY OF CARE FOR CERTAIN OFFENDERS BY
24 LAW ENFORCEMENT AND JAILS. (a) The office [~~council~~], the
25 Commission on Law Enforcement Officer Standards and Education, and
26 the Commission on Jail Standards by rule shall adopt a memorandum of
27 understanding that establishes their respective responsibilities

1 to institute a continuity of care and service program for offenders
2 in the criminal justice system who are mentally impaired, elderly,
3 physically disabled, terminally ill, or significantly ill.

4 (b) The memorandum of understanding must establish methods
5 for:

6 (1) identifying offenders in the criminal justice
7 system who are mentally impaired, elderly, physically disabled,
8 terminally ill, or significantly ill;

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

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

19 SECTION 15. Section 614.017(c)(2), Health and Safety Code,
20 is amended to read as follows:

21 (2) "Special needs offender" includes [~~means~~] an
22 individual for whom criminal charges are pending or who after
23 conviction or adjudication is in custody or under any form of
24 criminal justice supervision.

25 SECTION 16. Section 614.019, Health and Safety Code, as
26 added by Chapter 328, Acts of the 77th Legislature, Regular
27 Session, 2001, is amended to read as follows:

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

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

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

- 20 (1) are under 18 years of age;
- 21 (2) have severe and persistent mental illness;
- 22 (3) have a history of:
- 23 (A) multiple hospitalizations;
- 24 (B) poor performance in school;
- 25 (C) placement in emergency shelters or
26 residential treatment facilities; or
- 27 (D) chemical dependency or abuse; and

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

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

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

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

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

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

19 (1) provide psychiatric, substance abuse, and
20 employment services to program participants;

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

23 (3) be available to program participants during
24 evening and weekend hours;

25 (4) meet the needs of special populations;

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

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

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

5 SECTION 18. Section 508.146, Government Code, is amended to
6 read as follows:

7 Sec. 508.146. MEDICALLY RECOMMENDED INTENSIVE SUPERVISION.

8 (a) An inmate serving a sentence for which parole eligibility is
9 otherwise determined under Section 508.145(f) may become eligible
10 for release on medically recommended intensive supervision on a
11 date designated by a parole panel that is earlier than the date
12 computed under that section if:

13 (1) the Texas Correctional Office [~~Texas Council~~] on
14 Offenders with Medical or Mental Impairments, in cooperation with
15 the Correctional Managed Health Care Committee, identifies the
16 inmate as being elderly, physically disabled [~~handicapped~~],
17 mentally ill, terminally ill, or mentally retarded[~~r~~] or having a
18 condition requiring long-term care;

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

22 (3) the Texas Correctional Office [~~Texas Council~~] on
23 Offenders with Medical or Mental Impairments, in cooperation with
24 the pardons and paroles division, has prepared for the inmate a
25 medically recommended intensive supervision plan that requires the
26 inmate to submit to electronic monitoring, places the inmate on
27 super-intensive supervision, or otherwise ensures appropriate

1 supervision of the inmate.

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

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

18 (d) The Texas Correctional Office [~~Texas Council~~] on
19 Offenders with Medical or Mental Impairments and the Texas
20 Department of Human Services shall jointly request proposals from
21 public or private vendors to provide under contract services for
22 inmates released on medically recommended intensive supervision. A
23 request for proposals under this subsection may require that the
24 services be provided in a medical care facility located in an urban
25 area. For the purposes of this subsection, "urban area" means the
26 area in this state within a metropolitan statistical area,
27 according to the standards of the United States Bureau of the

1 Census.

2 SECTION 19. The following sections of the Health and Safety
3 Code are repealed:

4 (1) Section 614.0031;

5 (2) Section 614.005;

6 (3) Section 614.010;

7 (4) Section 614.0101;

8 (5) Section 614.0102; and

9 (6) Section 614.012.

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

1 for membership on the Advisory Committee to the Texas Board of
2 Criminal Justice on Offenders with Medical or Mental Impairments
3 shall make that submission as soon as possible after the effective
4 date of this Act, but in no event later than November 1, 2003.

5 (b) The Texas Correctional Office on Offenders with Medical
6 or Mental Impairments and the Texas Department of Mental Health and
7 Mental Retardation shall present to the Texas Board of Criminal
8 Justice the first biennial report required by Section 614.008,
9 Health and Safety Code, as amended by this Act, not later than
10 September 1, 2004.

11 (c) The Texas Correctional Office on Offenders with Medical
12 or Mental Impairments, the Texas Department of Mental Health and
13 Mental Retardation, the Texas Department on Aging, the Texas
14 Rehabilitation Commission, the Department of Human Services, and
15 the Texas Department of Health shall present to the Texas Board of
16 Criminal Justice the first biennial report required by Section
17 614.0085, Health and Safety Code, as renumbered and amended by this
18 Act, not later than September 1, 2004.

19 (d) The Texas Correctional Office on Offenders with Medical
20 or Mental Impairments shall present to the Texas Board of Criminal
21 Justice the first biennial report required by Section 614.009,
22 Health and Safety Code, as amended by this Act, not later than
23 February 1, 2005.

24 SECTION 21. This Act takes effect September 1, 2003.