

By: Madla

S.B. No. 1145

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to programs in certain counties to divert certain persons  
3 with mental health disorders or mental retardation from  
4 incarceration to appropriate services.

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

6 SECTION 1. Subsection (a), Section 533.014, Health and  
7 Safety Code, is 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 [~~subchapter expires~~] September 1, 2005.

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

4 Sec. 533.108. PRIORITIZATION OF FUNDING FOR DIVERSION OF  
5 PERSONS FROM INCARCERATION IN CERTAIN COUNTIES. (a) A local  
6 mental health or mental retardation authority may develop and may  
7 prioritize its available funding for:

8 (1) a system to divert members of the priority  
9 population, including those members with co-occurring substance  
10 abuse disorders, before their incarceration or other contact with  
11 the criminal justice system, to services appropriate to their  
12 needs, including:

13 (A) screening and assessment services; and

14 (B) treatment services, including:

15 (i) assertive community treatment  
16 services;

17 (ii) inpatient crisis respite services;

18 (iii) medication management services;

19 (iv) short-term residential services;

20 (v) shelter care services;

21 (vi) crisis respite residential services;

22 (vii) outpatient integrated mental health  
23 services;

24 (viii) co-occurring substance abuse  
25 treatment services;

26 (ix) psychiatric rehabilitation and  
27 service coordination services;

1                   (x) continuity of care services; and

2                   (xi) services consistent with the Texas  
3 Council on Offenders with Mental Impairments model;

4                   (2) specialized training of local law enforcement and  
5 court personnel to identify and manage offenders or suspects who  
6 may be members of the priority population; and

7                   (3) other model programs for offenders and suspects  
8 who may be members of the priority population, including crisis  
9 intervention training for law enforcement personnel.

10                  (b) A local mental health or mental retardation authority  
11 developing a system, training, or a model program under Subsection  
12 (a) shall collaborate with other local resources, including local  
13 law enforcement and judicial systems and local personnel.

14                  (c) A local mental health or mental retardation authority  
15 may not implement a system, training, or a model program developed  
16 under this section until the system, training, or program is  
17 approved by the department.

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