

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. Section 533.014(a), Health and Safety Code, is
7 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 [~~This subchapter expires~~] September 1,
2 2005.

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

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

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

14 (A) screening and assessment services; and

15 (B) treatment services, including:

16 (i) assertive community treatment
17 services;

18 (ii) inpatient crisis respite services;

19 (iii) medication management services;

20 (iv) short-term residential services;

21 (v) shelter care services;

22 (vi) crisis respite residential services;

23 (vii) outpatient integrated mental health
24 services;

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

27 (ix) psychiatric rehabilitation and

1 service coordination services;

2 (x) continuity of care services; and

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

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

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

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

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

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