

1-1 By: Madla S.B. No. 1145
1-2 (In the Senate - Filed March 11, 2003; March 17, 2003, read
1-3 first time and referred to Committee on Criminal Justice;
1-4 April 10, 2003, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 5, Nays 0; April 10, 2003,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1145 By: Whitmire

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to programs in certain counties to divert certain persons
1-11 with mental health disorders or mental retardation from
1-12 incarceration to appropriate services.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Subsection (a), Section 533.014, Health and
1-15 Safety Code, is amended to read as follows:

1-16 (a) The board shall adopt rules that:

1-17 (1) relate to the responsibility of the local mental
1-18 health authorities to make recommendations relating to the most
1-19 appropriate and available treatment alternatives for individuals
1-20 in need of mental health services, including individuals who are in
1-21 contact with the criminal justice system and individuals detained
1-22 in local jails and juvenile detention facilities;

1-23 (2) govern commitments to a local mental health
1-24 authority;

1-25 (3) govern transfers of patients that involve a local
1-26 mental health authority; and

1-27 (4) provide for emergency admission to a department
1-28 mental health facility if obtaining approval from the authority
1-29 could result in a delay that might endanger the patient or others.

1-30 SECTION 2. Section 533.107, Health and Safety Code, is
1-31 amended to read as follows:

1-32 Sec. 533.107. EXPIRATION. This section and Sections
1-33 533.101-533.106 expire [subchapter expires] September 1, 2005.

1-34 SECTION 3. Subchapter E, Chapter 533, Health and Safety
1-35 Code, is amended by adding Section 533.108 to read as follows:

1-36 Sec. 533.108. PRIORITIZATION OF FUNDING FOR DIVERSION OF
1-37 PERSONS FROM INCARCERATION IN CERTAIN COUNTIES. (a) A local
1-38 mental health or mental retardation authority may develop and may
1-39 prioritize its available funding for:

1-40 (1) a system to divert members of the priority
1-41 population, including those members with co-occurring substance
1-42 abuse disorders, before their incarceration or other contact with
1-43 the criminal justice system, to services appropriate to their
1-44 needs, including:

1-45 (A) screening and assessment services; and

1-46 (B) treatment services, including:

1-47 (i) assertive community treatment
1-48 services;

1-49 (ii) inpatient crisis respite services;

1-50 (iii) medication management services;

1-51 (iv) short-term residential services;

1-52 (v) shelter care services;

1-53 (vi) crisis respite residential services;

1-54 (vii) outpatient integrated mental health

1-55 services;

1-56 (viii) co-occurring substance abuse

1-57 treatment services;

1-58 (ix) psychiatric rehabilitation and

1-59 service coordination services;

1-60 (x) continuity of care services; and

1-61 (xi) services consistent with the Texas

1-62 Council on Offenders with Mental Impairments model;

1-63 (2) specialized training of local law enforcement and

2-1 court personnel to identify and manage offenders or suspects who
2-2 may be members of the priority population; and

2-3 (3) other model programs for offenders and suspects
2-4 who may be members of the priority population, including crisis
2-5 intervention training for law enforcement personnel.

2-6 (b) A local mental health or mental retardation authority
2-7 developing a system, training, or a model program under Subsection
2-8 (a) shall collaborate with other local resources, including local
2-9 law enforcement and judicial systems and local personnel.

2-10 (c) A local mental health or mental retardation authority
2-11 may not implement a system, training, or a model program developed
2-12 under this section until the system, training, or program is
2-13 approved by the department.

2-14 SECTION 4. This Act takes effect September 1, 2003.

2-15 * * * * *