

Amend SB 839 as follows:

(1) Amend Section 614.001, Health and Safety Code by adding a new (4) and renumber accordingly to read as follows:

(4) "Continuity of care and services" refers to the process of:

(a) identifying the medical, psychiatric or psychological care or treatment needs and educational or rehabilitative service needs of an offender with medical or mental impairments;

(b) developing a plan for meeting the treatment, care and service needs of the offender with medical or mental impairments;

(c) coordinating the provision of treatment, care, and services between the various agencies who provide treatment, care or services such that they may continue to be provided to the offender at the time of arrest, while charges are pending, during post-adjudication or post-conviction custody or criminal justice supervision, and for pre-trial diversion.

(2) Amend Section 614.013(a) and (c), Health and Safety Code to read as follows:

§ 614.013. CONTINUITY OF CARE FOR OFFENDERS WITH MENTAL IMPAIRMENTS. (a) The Texas Department of Criminal Justice, the Texas Department of ~~[Mental]~~ State Health Services ~~[and Mental Retardation]~~, Bureau of Identification and Records at the Texas Department of Public Safety, representatives of local mental health or mental retardation authorities appointed by the commissioner of the Texas Department of ~~[Mental]~~ State Health Services ~~[and Mental Retardation]~~, and the directors of community supervision and corrections departments shall adopt a memorandum of understanding that establishes their respective responsibilities to institute a continuity of care and service program for offenders with mental impairments in the criminal justice system. The office shall coordinate and monitor the development and implementation of the memorandum of understanding.

(c) The Texas Department of Criminal Justice, the Texas Department of ~~[Mental]~~ State Health Services ~~[and Mental Retardation]~~, local mental health or mental retardation

authorities, and community supervision and corrections departments shall:

(1) operate the continuity of care and service program for offenders with mental impairments in the criminal justice system with funds appropriated for that purpose; and

(2) actively seek federal grants or funds to operate and expand the program.

(3) Amend Section 614.016(a), Health and Safety Code to read as follows:

§ 614.016. CONTINUITY OF CARE FOR CERTAIN OFFENDERS BY LAW ENFORCEMENT AND JAILS. (a) The office, the Commission on Law Enforcement Officer Standards and Education, the Bureau of Identification and Records at the Department of Public Safety, and the Commission on Jail Standards by rule shall adopt a memorandum of understanding that establishes their respective responsibilities to institute a continuity of care and service program for offenders in the criminal justice system who are mentally impaired, elderly, physically disabled, terminally ill, or significantly ill.

(4) Amend Section 614.017, Health and Safety Code to read as follows:

§ 614.017. EXCHANGE OF INFORMATION. (a) An agency shall:

(1) accept information relating to a special needs offender that is sent to the agency to serve the purposes of [~~this chapter~~] continuity of care regardless of whether other state law makes that information confidential; and

(2) disclose information relating to a special needs offender, including information about the offender's identity, needs, treatment, social, criminal, and vocational history, supervision status and compliance with conditions of supervision, and medical and mental health history, if the disclosure serves the purposes of [~~this chapter~~] continuity of care.

(b) Information obtained under this section may not be used as evidence in any criminal proceeding, unless obtained and introduced by other lawful evidentiary means. [~~Repealed by Acts 2003, 78th Leg., ch. 6, § 6.~~]

(c) In this section:

(1) "Agency" includes any of the following entities

and individuals, a person with an agency relationship with one of the following entities or individuals, and a person who contracts with one or more of the following entities or individuals:

(A) the Texas Department of Criminal Justice and the Correctional Managed Health Care Committee;

(B) the Board of Pardons and Paroles;

(C) the Department of State Health Services;

(D) the Texas Juvenile Probation Commission;

(E) the Texas Youth Commission;

(F) the Department of Assistive and Rehabilitative Services;

(G) the Texas Education Agency;

(H) the Commission on Jail Standards;

(I) the Department of Aging and Disability Services;

(J) the Texas School for the Blind and Visually Impaired;

(K) community supervision and corrections departments;

(L) personal bond pretrial release offices established under Article 17.42, Code of Criminal Procedure;

(M) local jails regulated by the Commission on Jail Standards;

(N) a municipal or county health department;

(O) a hospital district;

(P) a judge of this state with jurisdiction over criminal cases; and

(Q) an attorney who is appointed or retained to represent a special needs offender;

(R) the Texas Health and Human Services Commission;

(S) the Texas Department of Information Resources; and

(T) the Bureau of Identification and Records at the Department of Public Safety, for the sole purpose of providing real-time, contemporaneous identification of individuals in the Texas Department of State Health Services client data base.

(2) "Special needs offender" includes an individual for whom criminal charges are pending or who after conviction or adjudication is in custody or under any form of criminal justice supervision.

(5) Amend Section 411.042(b), Government Code to add a new section (7) to read as follows:

(7) collect and disseminate information regarding offenders with mental impairments in compliance with Chapter 614, Health and Safety Code.