

By: Duncan

S.B. No. 839

A BILL TO BE ENTITLED

AN ACT

relating to the exchange of information among agencies related to the Texas Correctional Office on Offenders with Medical or Mental Impairments and the agencies responsible for continuity of care for offenders in the criminal justice system who are physically disabled, terminally ill, or significantly ill.

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

SECTION 1. Section 614.015, Health and Safety Code, is amended to read as follows:

Sec. 614.015. CONTINUITY OF CARE FOR PHYSICALLY DISABLED, TERMINALLY ILL, OR SIGNIFICANTLY ILL OFFENDERS. (a) The Texas Department of Criminal Justice, the Department of Assistive and Rehabilitative Services [~~Texas Rehabilitation Commission, the Texas Commission for the Blind, the Texas Commission for the Deaf and Hard of Hearing~~], the [Texas] Department of State Health Services, and the [Texas] Department of Aging and Disability [~~Human~~] Services 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 physically disabled, terminally ill, or significantly ill. The council shall coordinate and monitor the development and implementation of the memorandum of understanding.

(b) The memorandum of understanding must establish methods

for:

(1) identifying offenders in the criminal justice system who are physically disabled, terminally ill, or significantly ill;

(2) developing interagency rules, policies, and procedures for the coordination of care of and the exchange of information on offenders who are physically disabled, terminally ill, or significantly ill by local and state criminal justice agencies, the Texas Department of Criminal Justice, the Department of Assistive and Rehabilitative Services [~~Texas Rehabilitation Commission, the Texas Commission for the Blind, the Texas Commission for the Deaf and Hard of Hearing~~], the [Texas] Department of State Health Services, and the [~~Texas~~] Department of Aging and Disability [~~Human~~] Services; and

(3) identifying the services needed by offenders who are physically disabled, terminally ill, or significantly ill to reenter the community successfully.

(c) The Texas Department of Criminal Justice, the Department of Assistive and Rehabilitative Services [~~Texas Rehabilitation Commission, the Texas Commission for the Blind, the Texas Commission for the Deaf and Hard of Hearing~~], the [Texas] Department of State Health Services, and the [~~Texas~~] Department of Aging and Disability [~~Human~~] Services shall:

(1) operate, with funds appropriated for that purpose, the continuity of care and service program for offenders in the criminal justice system who are physically disabled, terminally ill, or significantly ill; and

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

3 SECTION 2. Section 614.017(c)(1), Health and Safety Code,
4 is amended to read as follows:

5 (1) "Agency" includes any of the following entities
6 and individuals, a person with an agency relationship with one of
7 the following entities or individuals, and a person who contracts
8 with one or more of the following entities or individuals:

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

11 (B) the Board of Pardons and Paroles;

12 (C) the Department of State Health Services;

13 (D) the Texas Juvenile Probation Commission;

14 (E) the Texas Youth Commission;

15 (F) the Department of Assistive and
16 Rehabilitative Services;

17 (G) the Texas Education Agency;

18 (H) the Commission on Jail Standards;

19 (I) the Department of Aging and Disability
20 Services;

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

23 (K) community supervision and corrections
24 departments;

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

27 (M) local jails regulated by the Commission on

1 Jail Standards;

2 (N) a municipal or county health department;

3 (O) a hospital district;

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

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

8 (R) the Texas Health and Human Services
9 Commission; and

10 (S) the Texas Department of Information
11 Resources.

12 SECTION 3. Section 614.017, Health and Safety Code, is
13 amended by adding Subsections (d) and (e) to read as follows:

14 (d) An agency shall manage confidential information
15 accepted or disclosed under this section prudently so as to
16 maintain, to the extent possible, the confidentiality of that
17 information.

18 (e) A person commits an offense if the person releases or
19 discloses confidential information obtained under this section
20 other than as authorized by this section or other law or without the
21 consent of the person to whom the information relates. An offense
22 under this subsection is a Class B misdemeanor.

23 SECTION 4. This Act takes effect September 1, 2007.