

By: Crownover

H.B. No. 4308

A BILL TO BE ENTITLED

AN ACT

relating to the placement of certain persons with mental retardation.

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

SECTION 1. Section 531.0244, Government Code, is amended by adding Subsection (b-2) to read as follows:

(b-2) Notwithstanding Subsection (b), a person with an IQ of 40 or lower who does not have a legally authorized representative as defined by Section 241.151, Health and Safety Code, may not be transferred from a state school to a community residence. This subsection expires September 1, 2011.

SECTION 2. Section 592.013, Health and Safety Code, is amended to read as follows:

Sec. 592.013. LEAST RESTRICTIVE LIVING ENVIRONMENT. (a) Each person with mental retardation has the right to live in the least restrictive setting appropriate to the person's individual needs and abilities and in a variety of living situations, including living:

- (1) alone;
- (2) in a group home;
- (3) with a family; or
- (4) in a supervised, protective environment.

(b) For purposes of Subsection (a), a state school may be the least restrictive setting for a person with an IQ of 40 or lower

1 who does not have a legally authorized representative as defined by
2 Section 241.151, and that person may not be transferred from a state
3 school to a community residence. This subsection expires September
4 1, 2011.

5 SECTION 3. This Act takes effect immediately if it receives
6 a vote of two-thirds of all the members elected to each house, as
7 provided by Section 39, Article III, Texas Constitution. If this
8 Act does not receive the vote necessary for immediate effect, this
9 Act takes effect September 1, 2009.