

1-1 By: McReynolds, Miller of Erath, Marquez H.B. No. 4451
1-2 (Senate Sponsor - Hinojosa)
1-3 (In the Senate - Received from the House April 29, 2009;
1-4 May 6, 2009, read first time and referred to Committee on Criminal
1-5 Justice; May 21, 2009, reported adversely, with favorable
1-6 Committee Substitute by the following vote: Yeas 6, Nays 0;
1-7 May 21, 2009, sent to printer.)

1-8 COMMITTEE SUBSTITUTE FOR H.B. No. 4451 By: Hinojosa

1-9 A BILL TO BE ENTITLED
1-10 AN ACT

1-11 relating to continuity of care services or mental health commitment
1-12 proceedings for youth with mental illness or mental retardation who
1-13 are transferred, discharged, or paroled from the Texas Youth
1-14 Commission.

1-15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-16 SECTION 1. Section 61.077, Human Resources Code, is amended
1-17 by adding Subsection (g) to read as follows:

1-18 (g) If a child who is mentally ill or mentally retarded is
1-19 discharged from the commission under Subsection (b), the child is
1-20 eligible to receive continuity of care services from the Texas
1-21 Correctional Office on Offenders with Medical or Mental Impairments
1-22 under Chapter 614, Health and Safety Code.

1-23 SECTION 2. Subchapter E, Chapter 61, Human Resources Code,
1-24 is amended by adding Section 61.0773 to read as follows:

1-25 Sec. 61.0773. TRANSFER OF CERTAIN CHILDREN SERVING
1-26 DETERMINATE SENTENCES FOR MENTAL HEALTH SERVICES. (a) The
1-27 commission may petition the juvenile court that entered the order
1-28 of commitment for a child for the initiation of mental health
1-29 commitment proceedings if the child is committed to the commission
1-30 under a determinate sentence under Section 54.04(d)(3), 54.04(m),
1-31 or 54.05(f), Family Code.

1-32 (b) A petition made by the commission shall be treated as a
1-33 motion under Section 55.11, Family Code, and the juvenile court
1-34 shall proceed in accordance with Subchapter B, Chapter 55, Family
1-35 Code.

1-36 (c) The commission shall cooperate with the juvenile court
1-37 in any proceeding under this section.

1-38 (d) The juvenile court shall credit to the term of the
1-39 child's commitment to the commission any time the child is
1-40 committed to an inpatient mental health facility.

1-41 (e) A child committed to an inpatient mental health facility
1-42 as a result of a petition filed under this section may not be
1-43 released from the facility on a pass or furlough.

1-44 (f) If the term of an order committing a child to an
1-45 inpatient mental health facility is scheduled to expire before the
1-46 end of the child's sentence and another order committing the child
1-47 to an inpatient mental health facility is not scheduled to be
1-48 entered, the inpatient mental health facility shall notify the
1-49 juvenile court that entered the order of commitment committing the
1-50 child to the commission. The juvenile court may transfer the child
1-51 to the custody of the commission, transfer the child to the Texas
1-52 Department of Criminal Justice, or release the child under
1-53 supervision, as appropriate.

1-54 SECTION 3. Section 614.019, Health and Safety Code, is
1-55 amended to read as follows:

1-56 Sec. 614.019. PROGRAMS FOR JUVENILES. (a) The office, in
1-57 cooperation with the Texas Commission on Alcohol and Drug Abuse,
1-58 the Texas Department of Mental Health and Mental Retardation, the
1-59 Department of Protective and Regulatory Services, the Texas
1-60 Juvenile Probation Commission, the Texas Youth Commission, and the
1-61 Texas Education Agency, may establish and maintain programs,
1-62 building on existing successful efforts in communities, to address
1-63 prevention, intervention, and continuity of care for juveniles with

2-1 mental health and substance abuse disorders.

2-2 (b) A child with mental illness who is receiving continuity
2-3 of care services during parole from the Texas Youth Commission and
2-4 who is no longer eligible to receive services from a local mental
2-5 health authority when the child becomes 17 years of age because the
2-6 child does not meet the requirements of a local service area plan
2-7 under Section 533.0352(a) may continue to receive continuity of
2-8 care services from the office until the child completes the child's
2-9 parole.

2-10 (c) A child with mental illness or mental retardation who is
2-11 discharged from the Texas Youth Commission under Section 61.077,
2-12 Human Resources Code, may receive continuity of care services from
2-13 the office for a minimum of 90 days after discharge from the
2-14 commission and for as long as necessary for the child to demonstrate
2-15 sufficient stability to transition successfully to mental health or
2-16 mental retardation services provided by a local mental health or
2-17 mental retardation authority.

2-18 SECTION 4. Section 61.077(g), Human Resources Code, as
2-19 added by this Act, and Section 614.019, Health and Safety Code, as
2-20 amended by this Act, apply only to a child who is discharged or
2-21 paroled from the Texas Youth Commission on or after the effective
2-22 date of this Act, regardless of when the child was committed to the
2-23 commission.

2-24 SECTION 5. Section 61.0773, Human Resources Code, as added
2-25 by this Act, applies only to a juvenile committed to the Texas Youth
2-26 Commission for conduct that occurs on or after the effective date of
2-27 this Act. Conduct violating the penal law of this state occurs on
2-28 or after the effective date of this Act if any element of the
2-29 violation occurs on or after that date. A juvenile committed to the
2-30 Texas Youth Commission for conduct that occurs before the effective
2-31 date of this Act is governed by the law in effect at the time the
2-32 conduct occurred, and the former law is continued in effect for that
2-33 purpose.

2-34 SECTION 6. This Act takes effect immediately if it receives
2-35 a vote of two-thirds of all the members elected to each house, as
2-36 provided by Section 39, Article III, Texas Constitution. If this
2-37 Act does not receive the vote necessary for immediate effect, this
2-38 Act takes effect September 1, 2009.

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