

By: West

S.B. No. 1286

A BILL TO BE ENTITLED

AN ACT

relating to the continuity of care for juveniles with mental impairments in the juvenile justice system.

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

SECTION 1. Chapter 614, Health and Safety Code, is amended by adding Section 614.018 to read as follows:

Sec. 614.018. CONTINUITY OF CARE FOR JUVENILES WITH MENTAL IMPAIRMENTS. (a) The Texas Juvenile Probation Commission, the Texas Youth Commission, the Department of State Health Services, the Texas Education Agency, and the Department of Family and Protective Services shall adopt a memorandum of understanding that establishes their respective responsibilities to institute a continuity of care and service program for juveniles with mental impairments in the juvenile justice system. The office shall coordinate and monitor the development and implementation of the memorandum of understanding.

(b) The memorandum of understanding must establish methods for:

(1) identifying juveniles with mental impairments in the juvenile justice system;

(2) developing interagency rules, policies, and procedures for the coordination of care of and the exchange of information on juveniles with mental impairments who are committed to or treated, served, or supervised by the Texas Juvenile

1 Probation Commission, the Texas Youth Commission, the Department of
2 Family and Protective Services, local juvenile probation
3 departments, local mental health or mental retardation
4 authorities, and independent school districts; and

5 (3) identifying the services needed by juveniles with
6 mental impairments in the juvenile justice system.

7 (c) The office shall:

8 (1) with funds appropriated for that purpose, operate
9 the continuity of care and service program for juveniles with
10 mental impairments in the juvenile justice system; and

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

13 (d) The office shall coordinate the continuity of care and
14 service program operated under Subsection (c)(1) with any program
15 established or maintained under Section 614.019.

16 (e) For purposes of this section, "continuity of care and
17 service program" includes:

18 (1) identifying the medical, psychiatric, or
19 psychological care or treatment needs and educational or
20 rehabilitative service needs of a juvenile with mental impairments
21 in the juvenile justice system;

22 (2) developing a plan for meeting the needs identified
23 under Subdivision (1); and

24 (3) coordinating the provision of continual
25 treatment, care, and services throughout the juvenile justice
26 system to juveniles with mental impairments.

27 SECTION 2. Sections 614.017(a) and (b), Health and Safety

1 Code, are amended to read as follows:

2 (a) An agency shall:

3 (1) accept information relating to a special needs
4 offender or a juvenile with a mental impairment that is sent to the
5 agency to serve the purposes of continuity of care and services
6 regardless of whether other state law makes that information
7 confidential; and

8 (2) disclose information relating to a special needs
9 offender or a juvenile with a mental impairment, including
10 information about the offender's or juvenile's identity, needs,
11 treatment, social, criminal, and vocational history, supervision
12 status and compliance with conditions of supervision, and medical
13 and mental health history, if the disclosure serves the purposes of
14 continuity of care and services.

15 (b) Information obtained under this section may not be used
16 as evidence in any juvenile or criminal proceeding, unless obtained
17 and introduced by other lawful evidentiary means.

18 SECTION 3. Section 614.017(c), Health and Safety Code, is
19 amended by amending Subdivision (1) and adding Subdivision (3) to
20 read as follows:

21 (1) "Agency" includes any of the following entities
22 and individuals, a person with an agency relationship with one of
23 the following entities or individuals, and a person who contracts
24 with one or more of the following entities or individuals:

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

27 (B) the Board of Pardons and Paroles;

- 1 (C) the Department of State Health Services;
2 (D) the Texas Juvenile Probation Commission;
3 (E) the Texas Youth Commission;
4 (F) the Department of Assistive and
5 Rehabilitative Services;
6 (G) the Texas Education Agency;
7 (H) the Commission on Jail Standards;
8 (I) the Department of Aging and Disability
9 Services;
10 (J) the Texas School for the Blind and Visually
11 Impaired;
12 (K) community supervision and corrections
13 departments and local juvenile probation departments;
14 (L) personal bond pretrial release offices
15 established under Article 17.42, Code of Criminal Procedure;
16 (M) local jails regulated by the Commission on
17 Jail Standards;
18 (N) a municipal or county health department;
19 (O) a hospital district;
20 (P) a judge of this state with jurisdiction over
21 juvenile or criminal cases;
22 (Q) an attorney who is appointed or retained to
23 represent a special needs offender or a juvenile with a mental
24 impairment;
25 (R) the Health and Human Services Commission;
26 (S) the Department of Information Resources;
27 [~~and~~]

1 (T) the bureau of identification and records of
2 the Department of Public Safety, for the sole purpose of providing
3 real-time, contemporaneous identification of individuals in the
4 Department of State Health Services client data base;

5 (U) an independent school district; and

6 (V) the Department of Family and Protective
7 Services.

8 (3) "Juvenile with a mental impairment" means a
9 juvenile with a mental impairment in the juvenile justice system.

10 SECTION 4. Section 614.009, Health and Safety Code, is
11 amended to read as follows:

12 Sec. 614.009. BIENNIAL REPORT. Not later than February 1
13 of each odd-numbered year, the office shall present to the board and
14 file with the governor, lieutenant governor, and speaker of the
15 house of representatives a report giving the details of the
16 office's activities during the preceding biennium. The report must
17 include:

18 (1) an evaluation of any demonstration project
19 undertaken by the office;

20 (2) an evaluation of the progress made by the office
21 toward developing a plan for meeting the treatment, rehabilitative,
22 and educational needs of offenders with special needs;

23 (3) recommendations of the office made in accordance
24 with Section 614.007(5);

25 (4) an evaluation of the development and
26 implementation of the continuity of care and service programs
27 established under Sections 614.013, 614.014, 614.015, [~~and~~]

1 614.016, and 614.018, changes in rules, policies, or procedures
2 relating to the programs, future plans for the programs, and any
3 recommendations for legislation; and

4 (5) any other recommendations that the office
5 considers appropriate.

6 SECTION 5. The agencies required to adopt a memorandum of
7 understanding under Section 614.018, Health and Safety Code, as
8 added by this Act, shall adopt the memorandum of understanding not
9 later than January 1, 2010.

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