

SENATE AMENDMENTS

2nd Printing

By: McReynolds, Miller of Erath, Marquez

H.B. No. 4451

A BILL TO BE ENTITLED

1 AN ACT

2 relating to continuity of care services for youth with mental
3 illness or mental retardation who are discharged or paroled from
4 the Texas Youth Commission.

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

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

8 (g) If a child who is mentally ill or mentally retarded is
9 discharged from the commission under Subsection (b), the child is
10 eligible to receive continuity of care services from the Texas
11 Correctional Office on Offenders with Medical or Mental Impairments
12 under Chapter 614, Health and Safety Code.

13 SECTION 2. Section 61.0772, Human Resources Code, is
14 amended by adding Subsection (d) to read as follows:

15 (d) Before a child who is identified as mentally ill or
16 mentally retarded is discharged from the commission under Section
17 61.077(b), the commission shall refer the child to the Texas
18 Correctional Office on Offenders with Medical or Mental Impairments
19 for continuity of care services under Chapter 614, Health and
20 Safety Code, regardless of whether the child is receiving mental
21 health services or mental retardation services.

22 SECTION 3. Section 614.019, Health and Safety Code, is
23 amended to read as follows:

24 Sec. 614.019. PROGRAMS FOR JUVENILES. (a) The office, in

1 cooperation with the Texas Commission on Alcohol and Drug Abuse,
2 the Texas Department of Mental Health and Mental Retardation, the
3 Department of Protective and Regulatory Services, the Texas
4 Juvenile Probation Commission, the Texas Youth Commission, and the
5 Texas Education Agency, may establish and maintain programs,
6 building on existing successful efforts in communities, to address
7 prevention, intervention, and continuity of care for juveniles with
8 mental health and substance abuse disorders.

9 (b) A child with mental illness who is receiving continuity
10 of care services during parole from the Texas Youth Commission and
11 who is no longer eligible to receive services from a local mental
12 health authority when the child becomes 17 years of age because the
13 child does not meet the requirements of a local service area plan
14 under Section 533.0352(a) may continue to receive continuity of
15 care services from the office until the child completes the child's
16 parole.

17 (c) A child with mental illness or mental retardation who is
18 discharged from the Texas Youth Commission under Section 61.077,
19 Human Resources Code, may receive continuity of care services from
20 the office for a minimum of 90 days after discharge from the
21 commission and for as long as necessary for the child to demonstrate
22 sufficient stability to transition successfully to mental health or
23 mental retardation services provided by a local mental health or
24 mental retardation authority.

25 SECTION 4. The change in law made by this Act applies to a
26 child who is discharged or paroled from the Texas Youth Commission
27 on or after the effective date of this Act, regardless of when the

1 child was committed to the commission.

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

ADOPTED

MAY 26 2009

Atty. Gen.
Secretary of the Senate

By: J. J. King
Substitute the following for H.B. No. 4451
By: J. J. King

H.B. No. 4451

C.S. H. B. No. 4451

A BILL TO BE ENTITLED

AN ACT

1

2 relating to continuity of care services or mental health commitment
3 proceedings for youth with mental illness or mental retardation who
4 are transferred, discharged, or paroled from the Texas Youth
5 Commission.

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

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

9 (g) If a child who is mentally ill or mentally retarded is
10 discharged from the commission under Subsection (b), the child is
11 eligible to receive continuity of care services from the Texas
12 Correctional Office on Offenders with Medical or Mental Impairments
13 under Chapter 614, Health and Safety Code.

14 SECTION 2. Subchapter E, Chapter 61, Human Resources Code,
15 is amended by adding Section 61.0773 to read as follows:

16 Sec. 61.0773. TRANSFER OF CERTAIN CHILDREN SERVING
17 DETERMINATE SENTENCES FOR MENTAL HEALTH SERVICES. (a) The
18 commission may petition the juvenile court that entered the order
19 of commitment for a child for the initiation of mental health
20 commitment proceedings if the child is committed to the commission
21 under a determinate sentence under Section 54.04(d)(3), 54.04(m),
22 or 54.05(f), Family Code.

23 (b) A petition made by the commission shall be treated as a
24 motion under Section 55.11, Family Code, and the juvenile court

1 shall proceed in accordance with Subchapter B, Chapter 55, Family
2 Code.

3 (c) The commission shall cooperate with the juvenile court
4 in any proceeding under this section.

5 (d) The juvenile court shall credit to the term of the
6 child's commitment to the commission any time the child is
7 committed to an inpatient mental health facility.

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

11 (f) If the term of an order committing a child to an
12 inpatient mental health facility is scheduled to expire before the
13 end of the child's sentence and another order committing the child
14 to an inpatient mental health facility is not scheduled to be
15 entered, the inpatient mental health facility shall notify the
16 juvenile court that entered the order of commitment committing the
17 child to the commission. The juvenile court may transfer the child
18 to the custody of the commission, transfer the child to the Texas
19 Department of Criminal Justice, or release the child under
20 supervision, as appropriate.

21 SECTION 3. Section 614.019, Health and Safety Code, is
22 amended to read as follows:

23 Sec. 614.019. PROGRAMS FOR JUVENILES. (a) The office, in
24 cooperation with the Texas Commission on Alcohol and Drug Abuse,
25 the Texas Department of Mental Health and Mental Retardation, the
26 Department of Protective and Regulatory Services, the Texas
27 Juvenile Probation Commission, the Texas Youth Commission, and the

1 Texas Education Agency, may establish and maintain programs,
2 building on existing successful efforts in communities, to address
3 prevention, intervention, and continuity of care for juveniles with
4 mental health and substance abuse disorders.

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

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

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

27 SECTION 5. Section 61.0773, Human Resources Code, as added

1 by this Act, applies only to a juvenile committed to the Texas Youth
2 Commission for conduct that occurs on or after the effective date of
3 this Act. Conduct violating the penal law of this state occurs on
4 or after the effective date of this Act if any element of the
5 violation occurs on or after that date. A juvenile committed to the
6 Texas Youth Commission for conduct that occurs before the effective
7 date of this Act is governed by the law in effect at the time the
8 conduct occurred, and the former law is continued in effect for that
9 purpose.

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.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 27, 2009

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB4451 by McReynolds (Relating to continuity of care services or mental health commitment proceedings for youth with mental illness or mental retardation who are transferred, discharged, or paroled from the Texas Youth Commission.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

Under the provisions of the bill, youth with mental illness or mental retardation discharged or paroled from TYC would be eligible to receive continuity of care services from the Texas Correctional Office on Offenders with Medical or Mental Impairments (TCOOMMI). The bill would authorize TYC to petition the juvenile court for the initiation of mental health commitment proceedings for a youth committed to a determinate sentence. The juvenile court would be required to credit time the youth is committed to an inpatient mental health facility to the term of commitment. The bill would allow youth who do not meet criteria for adult services to continue to receive continuity of care services until the youth completes parole. The bill would also allow youth with mental illness discharged from TYC to receive continuity of care services for a minimum of 90 days after discharge and for as long as necessary until the youth can demonstrate sufficient stability to successfully transition to services provided by a local mental health and mental retardation center.

Most of the provisions of the bill would apply only to a youth discharged or paroled from TYC on or after the effective date of the Act regardless of when the youth was committed to TYC. The provision regarding the transfer of youth serving determinate sentences for mental health services applies only to a youth committed to TYC for conduct that occurs on or after the effective date of the Act.

TYC and the Department of Aging and Disability estimate no significant fiscal impact. The Texas Department of Criminal Justice (TDCJ) reports it cannot determine the fiscal impact from the increased use of services for juvenile offenders provided by TCOOMMI. It is assumed that the fiscal impact to TDCJ would not be significant. The bill would take effect September 1, 2009 unless it receives the votes necessary to become effective immediately.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, SD, ESi, GG, AI

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 20, 2009

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB4451 by McReynolds (Relating to continuity of care services or mental health commitment proceedings for youth with mental illness or mental retardation who are transferred, discharged, or paroled from the Texas Youth Commission.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

Under the provisions of the bill, youth with mental illness or mental retardation discharged or paroled from TYC would be eligible to receive continuity of care services from the Texas Correctional Office on Offenders with Medical or Mental Impairments (TCOOMMI). The bill would authorize TYC to petition the juvenile court for the initiation of mental health commitment proceedings for a youth committed to a determinate sentence. The juvenile court would be required to credit time the youth is committed to an inpatient mental health facility to the term of commitment. The bill would allow youth who do not meet criteria for adult services to continue to receive continuity of care services until the youth completes parole. The bill would also allow youth with mental illness discharged from TYC to receive continuity of care services for a minimum of 90 days after discharge and for as long as necessary until the youth can demonstrate sufficient stability to successfully transition to services provided by a local mental health and mental retardation center.

Most of the provisions of the bill would apply only to a youth discharged or paroled from TYC on or after the effective date of the Act regardless of when the youth was committed to TYC. The provision regarding the transfer of youth serving determinate sentences for mental health services applies only to a youth committed to TYC for conduct that occurs on or after the effective date of the Act.

TYC and the Department of Aging and Disability estimate no significant fiscal impact. The Texas Department of Criminal Justice (TDCJ) reports it cannot determine the fiscal impact from the increased use of services for juvenile offenders provided by TCOOMMI. It is assumed that the fiscal impact to TDCJ would not be significant. The bill would take effect September 1, 2009 unless it receives the votes necessary to become effective immediately.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, ESi, GG, AI

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 15, 2009

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB4451 by McReynolds (Relating to continuity of care services for youth with mental illness or mental retardation who are discharged or paroled from the Texas Youth Commission.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Human Resources and Health and Safety Codes as they relate to the continuity of care services for youth with mental illness or mental retardation who are paroled or discharged from the Texas Youth Commission (TYC). Under the provisions of this bill, youth with mental illness or mental retardation discharged from TYC would be eligible to receive continuity of care services from the Texas Correctional Office on Offenders with Medical or Mental Impairments (TCOOMMI). The bill would also allow youth who do not meet criteria for adult services as defined by Section 533.0352, Health and Safety Code, to continue to receive continuity of care services until the youth completes parole. The bill would also allow youth with mental illness discharged from TYC under Section 61.077, Human Resources Code, to receive continuity of care services for a minimum of 90 days after discharge and for as long as necessary until the youth can demonstrate sufficient stability to successfully transition to services provided by a local mental health and mental retardation center.

TYC and the Department of Aging and Disability estimate no significant fiscal impact. The Texas Department of Criminal Justice (TDCJ) reports it cannot determine the fiscal impact from the increased use of services for juvenile offenders provided by TCOOMMI. It is assumed that the fiscal impact to TDCJ would not be significant.

The bill would take effect September 1, 2009 unless it receives the votes necessary to become effective immediately.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, ESi, GG, AI

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 13, 2009

TO: Honorable Jim McReynolds, Chair, House Committee on Corrections

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB4451 by McReynolds (Relating to continuity of care services for youth with mental illness or mental retardation who are discharged or paroled from the Texas Youth Commission.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Human Resources and Health and Safety Codes as they relate to the continuity of care services for youth with mental illness or mental retardation who are paroled or discharged from the Texas Youth Commission (TYC). Under the provisions of this bill, youth with mental illness or mental retardation discharged from TYC would be eligible to receive continuity of care services from the Texas Correctional Office on Offenders with Medical or Mental Impairments (TCOOMMI). The bill would also allow youth who do not meet criteria for adult services as defined by Section 533.0352, Health and Safety Code, to continue to receive continuity of care services until the youth completes parole. The bill would also allow youth with mental illness discharged from TYC under Section 61.077, Human Resources Code, to receive continuity of care services for a minimum of 90 days after discharge and for as long as necessary until the youth can demonstrate sufficient stability to successfully transition to services provided by a local mental health and mental retardation center.

TYC and the Department of Aging and Disability estimate no significant fiscal impact. The Texas Department of Criminal Justice (TDCJ) reports it cannot determine the fiscal impact from the increased use of services for juvenile offenders provided by TCOOMMI. It is assumed that the fiscal impact to TDCJ would not be significant.

The bill would take effect September 1, 2009 unless it receives the votes necessary to become effective immediately.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, ESi, GG, AI

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LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

March 31, 2009

TO: Honorable Jim McReynolds, Chair, House Committee on Corrections

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB4451 by McReynolds (Relating to provision of continuity of care services for youth with mental illness or mental retardation who are paroled or discharged from the Texas Youth Commission.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Human Resources and Health and Safety Codes as they relate to the continuity of care services for youth with mental illness or mental retardation who are paroled or discharged from the Texas Youth Commission (TYC). Under the provisions of this bill, youth with mental illness or mental retardation discharged from the TYC would be eligible to receive continuity of care services from the Texas Correctional Office on Offenders with Medical or Mental Impairments. The bill would also allow the youth who do not meet criteria for adult services as defined by Section 533.0352, Health and Safety Code, to continue to receive continuity of care services until the youth completes parole. The bill would also allow youth with mental illness discharged from the TYC under Section 61.077, Human Resources Code, to receive continuity of care services for a minimum of 90 days after discharge and thereafter until the youth can demonstrate sufficient stability to successfully transition to services provided by a local mental health and mental retardation center.

The Youth Commission and the Department of Aging and disability estimate no significant fiscal impact. The Texas Department of Criminal Justice (TDCJ) reports it cannot determine the fiscal impact from the increased use of services for juvenile offenders provided by the Texas Correctional Office on Offenders with Medical or Mental Impairments. It is assumed that the fiscal impact to TDCJ would not be significant.

The bill would take effect September 1, 2009.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 539 Aging and Disability Services, Department of, 694 Youth Commission, 696 Department of Criminal Justice

LBB Staff: JOB, ESi, GG, AI, LM, TP

LEGISLATIVE BUDGET BOARD
Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

81ST LEGISLATIVE REGULAR SESSION

May 20, 2009

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB4451 by McReynolds (Relating to continuity of care services or mental health commitment proceedings for youth with mental illness or mental retardation who are transferred, discharged, or paroled from the Texas Youth Commission.), **Committee Report 2nd House, Substituted**

No significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies is anticipated from any provisions of this bill that authorize or require a change in the sanctions applicable to adults convicted of felony crimes, or to juveniles who have been adjudicated for misdemeanor or felony conduct.

Source Agencies:

LBB Staff: JOB, GG, LM

LEGISLATIVE BUDGET BOARD
Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

81ST LEGISLATIVE REGULAR SESSION

May 15, 2009

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB4451 by McReynolds (Relating to continuity of care services for youth with mental illness or mental retardation who are discharged or paroled from the Texas Youth Commission.), **As Engrossed**

No significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies is anticipated from any provisions of this bill that authorize or require a change in the sanctions applicable to adults convicted of felony crimes, or to juveniles who have been adjudicated for misdemeanor or felony conduct.

Source Agencies:

LBB Staff: JOB, GG, LM

LEGISLATIVE BUDGET BOARD
Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

81ST LEGISLATIVE REGULAR SESSION

April 13, 2009

TO: Honorable Jim McReynolds, Chair, House Committee on Corrections

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: **HB4451** by McReynolds (Relating to continuity of care services for youth with mental illness or mental retardation who are discharged or paroled from the Texas Youth Commission.), **Committee Report 1st House, Substituted**

No significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies is anticipated from any provisions of this bill that authorize or require a change in the sanctions applicable to adults convicted of felony crimes, or to juveniles who have been adjudicated for misdemeanor or felony conduct.

Source Agencies:

LBB Staff: JOB, GG, LM

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LEGISLATIVE BUDGET BOARD

Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

81ST LEGISLATIVE REGULAR SESSION

April 1, 2009

TO: Honorable Jim McReynolds, Chair, House Committee on Corrections

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB4451 by McReynolds (Relating to provision of continuity of care services for youth with mental illness or mental retardation who are paroled or discharged from the Texas Youth Commission.), **As Introduced**

No significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies is anticipated from any provisions of this bill that authorize or require a change in the sanctions applicable to adults convicted of felony crimes, or to juveniles who have been adjudicated for misdemeanor or felony conduct.

Source Agencies:

LBB Staff: JOB, GG, LM

