

House Bill 4451
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. Section 61.077, Human Resources Code, is amended by adding Subsection (g) to read as follows:
(g) If a child who is mentally ill or mentally retarded is discharged from the commission under Subsection (b), the child is eligible to receive continuity of care services from the Texas Correctional Office on Offenders with Medical or Mental Impairments under Chapter 614, Health and Safety Code.

SECTION 2. Section 61.0772, Human Resources Code, is amended by adding Subsection (d) to read as follows:
(d) Before a child who is identified as mentally ill or mentally retarded is discharged from the commission under Section 61.077(b), the commission shall refer the child to the Texas Correctional Office on Offenders with Medical or Mental Impairments for continuity of care services under Chapter 614, Health and Safety Code, regardless of whether the child is receiving mental health services or mental retardation services.

No equivalent provision.

SENATE VERSION

Same as House version.

No equivalent provision.

SECTION 2. Subchapter E, Chapter 61, Human Resources Code, is amended by adding Section 61.0773 to read as follows:
Sec. 61.0773. TRANSFER OF CERTAIN CHILDREN SERVING DETERMINATE SENTENCES FOR MENTAL HEALTH SERVICES. (a) The commission may petition the juvenile court that entered the order of commitment for a child for the initiation of mental health commitment proceedings if the child is committed to the commission under a determinate sentence under Section 54.04(d)(3), 54.04(m), or 54.05(f), Family Code.

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

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

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

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

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

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

Sec. 614.019. PROGRAMS FOR JUVENILES. (a) The office, in cooperation with the Texas Commission on Alcohol and Drug Abuse, the Texas Department of

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Mental Health and Mental Retardation, the Department of Protective and Regulatory Services, the Texas Juvenile Probation Commission, the Texas Youth Commission, and the Texas Education Agency, may establish and maintain programs, building on existing successful efforts in communities, to address prevention, intervention, and continuity of care for juveniles with mental health and substance abuse disorders.

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

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

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

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SECTION 4. Section 61.077(g), Human Resources Code, as added by this Act, and Section 614.019, Health and Safety Code, as amended by this Act, apply only to a

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of this Act, regardless of when the child was committed to the commission.

No equivalent provision.

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

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child who is discharged or paroled from the Texas Youth Commission on or after the effective date of this Act, regardless of when the child was committed to the commission.

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

SECTION 6. Same as House version.

CONFERENCE