

BILL ANALYSIS

C.S.H.B. 3107
By: Menendez
Homeland Security & Public Safety
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties observe that a large percentage of persons entering county jails do so with an established diagnosis of mental illness. And it is further observed that a large number of those persons live in poverty. Many of those impoverished, incarcerated persons receive federal aid, such as Medicaid and Supplemental Security Income and Social Security Disability Insurance benefits. However, when such persons are arrested, their federal health benefits can be terminated. As a result, counties and municipalities bear much of the costs of health care, including behavioral health care for these incarcerated individuals. These costs are incurred partially because of the termination of health insurance payments, particularly federal benefits such as Medicaid and Medicare, on confinement and partially because a large portion of the arrested population lacked any insurance coverage at the outset.

C.S.H.B. 3107 seeks to ensure that counties have the authority to exercise a suspension option, versus termination, of health care for people at the time of confinement and until the time of conviction.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3107 amends the Local Government Code to require the sheriff of a county to notify the United States Social Security Administration of the release or discharge of a prisoner who, immediately before the prisoner's confinement in the county jail, was receiving Supplemental Security Income benefits or Social Security Disability Insurance benefits under federal law. The bill requires the sheriff to provide the notice by mail and electronically immediately on the prisoner's release or discharge from custody and to provide a copy of the notice to the prisoner at the time of the prisoner's release or discharge. The bill specifies that the county or sheriff, or an employee of the county or sheriff, is not liable in a civil action for damages resulting from a failure to comply with the notice requirements.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 3107 contains a provision not included in the original specifying that the county or sheriff, or an employee of the county or sheriff, is not liable in a civil action for damages resulting from a failure to comply with the bill's notice requirements.