

## **BILL ANALYSIS**

S.B. 1185  
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Corrections  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

According to interested parties, Harris County recently identified more than 18,000 people with mental health service needs incarcerated in the county's criminal justice facilities, and reports indicate that, at any given time, more than 2,100 people, or approximately one quarter of the total Harris County jail population, are receiving prescribed psychotropic medication. Interested parties also note that, while the issue of increasing numbers of mentally ill inmates incarcerated within the criminal justice system is not exclusive to Harris County, Texas does not have an effective service model to treat people with mental health needs who frequently cycle through the county jails and the Texas Department of Criminal Justice, despite indications that the criminal justice system is the most expensive and least effective way to treat mental illness and to stop the repeated arrests of those with mental health diagnoses through evidence-based intervention strategies. The parties assert that, in contrast to the current criminal justice system approach, community-based mental health services are much less costly and more successful at treating the underlying symptoms that often are responsible for recurrent incarceration of the mentally ill. S.B. 1185 seeks to address this issue by creating a jail diversion pilot program for mentally ill inmates among the Harris County jail population.

### **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**

S.B. 1185 amends the Health and Safety Code to add a temporary provision, set to expire September 1, 2017, to require the Department of State Health Services (DSHS), in cooperation with the county judge of Harris County, to establish a pilot program in Harris County to be implemented by the county judge for the purpose of reducing recidivism and the frequency of arrests and incarceration among persons with mental illness in that county.

S.B. 1185 requires the county judge to design and test through the pilot program a criminal justice mental health service model oriented toward reducing the recidivism and frequency of arrests and incarceration of persons with mental illness in the Harris County jail. The bill requires the model initially to apply a critical time intervention principle to give a participant access to available social, clinical, housing, and welfare services during the first weeks after the person's release from jail and requires the model to provide for low caseload management, multilevel residential services, and easy access to certain specified services. The bill requires the county judge, in designing the model, to seek input from and coordinate the provision of services with specific local entities.

S.B. 1185 requires the county judge, in implementing the program, to ensure the program has the resources to provide mental health jail diversion services to not fewer than 200 individuals. The bill requires the county judge to endeavor to serve not fewer than 500 or more than 600 individuals cumulatively each year the program operates. The bill requires DSHS and the county

judge jointly to establish clear criteria for identifying a target population to be served by the pilot program before the judge implements the program and requires the criteria to prioritize serving a target population composed of members with the highest risks of recidivism and the most severe mental illnesses. The bill authorizes the county judge, in consultation with specified local entities, to adjust the criteria during the program's operation provided the adjusted criteria are clearly articulated.

S.B. 1185 makes the creation of the pilot program contingent on the continuing agreement of the Harris County commissioners court to contribute to the program each year in which the program operates services for persons with mental illness equivalent in value to funding provided by the state for the program. The bill authorizes the commissioners court to seek and receive gifts and grants from federal sources, foundations, individuals, and other sources for the benefit of the pilot program.

S.B. 1185 authorizes DSHS to make inspections of the operation of and provision of mental health jail diversion services through the pilot program on the state's behalf to ensure state funds appropriated for the pilot program are used effectively.

S.B. 1185 requires the commissioner of DSHS, not later than December 1, 2016, to evaluate and submit a report concerning the effect of the pilot program in reducing recidivism and the frequency of arrests and incarceration among persons with mental illness in Harris County to the governor, the lieutenant governor, the speaker of the house of representatives, and the presiding officers of the standing committees of the senate and house of representatives having primary jurisdiction over health and human services issues and over criminal justice issues. The bill specifies information required to be included in the report and the manner in which the commissioner must conduct the evaluation. The bill provides that the pilot program concludes September 1, 2017.

#### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.