

BILL ANALYSIS

Senate Research Center
83R15455 GCB-D

C.S.S.B. 1185
By: Huffman
Criminal Justice
3/20/2013
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In 2012, Harris County identified 18,679 people with mental health service needs incarcerated in its criminal justice facilities. Additionally, at any given time in the jail, more than 2,100 people are receiving prescribed psychotropic medication. This group represents approximately one-quarter of the total jail population. However, the issue of increasing numbers of mentally ill inmates incarcerated within the criminal justice system does not exist solely in 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 (TDCJ). The criminal justice system is the most expensive and least effective way to treat mental illness and stop the repeated arrests of those with mental health diagnoses through evidence-based intervention strategies. 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.

C.S.S.B. 1185 creates a four-year jail diversion pilot program for the mentally ill in Harris County to develop effective methods to substantially reduce recidivism among this population of offenders with the hope that the model developed will be replicable in all Texas metropolitan and urban areas. This bill uses a blending funded model that should incorporate state, local, and accessible federal funds.

C.S.S.B. 1185 amends current law relating to the creation of a mental health jail diversion pilot program.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subtitle C, Title 7, Health and Safety Code, by adding Chapter 579, as follows:

CHAPTER 579. MENTAL HEALTH JAIL DIVERSION PILOT PROGRAM; HARRIS COUNTY

Sec. 579.001. DEFINITIONS. Defines "commissioner," "county judge," and "department" in this section.

Sec. 579.002. MENTAL HEALTH JAIL DIVERSION PILOT PROGRAM. Requires the Department of State Health Services (DSHS), in cooperation with the county judge, to establish a pilot program in Harris County to be implemented by the county judge of Harris County (county judge) for the purpose of reducing recidivism and the frequency of arrests and incarceration among persons with mental illness in that county.

Sec. 579.003. CRIMINAL JUSTICE MENTAL HEALTH SERVICE MODEL. 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. Requires that the model initially apply the critical time intervention principle described by Section 579.004 and include the following elements:

- (1) low caseload management;
- (2) multilevel residential services; and
- (3) easy access to integrated health, mental health, and chemical dependency services; benefits acquisition services; and multiple rehabilitation services.

Sec. 579.004. **CRITICAL TIME INTERVENTION.** Requires the pilot program, in applying the critical time intervention principle, to give persons with mental illness access to available social, clinical, housing, and welfare services during the first weeks after the person's release from jail.

Sec. 579.005. **LOCAL SERVICES COORDINATION.** Requires the county judge in designing the criminal justice mental health service model to seek input from and coordinate the provision of services with the following local entities: the Harris County Sheriff's Office; the mental health division of the office of the district attorney of Harris County; the Harris County public defender; mental health courts; specially trained law enforcement crisis intervention teams and crisis intervention response teams; providers of competency restoration services; providers of guardianship services; providers of forensic case management; providers of assertive community treatment; providers of crisis stabilization services; providers of intensive and general supportive housing; and providers of integrated mental health and substance abuse inpatient, outpatient, and rehabilitation services.

Sec. 579.006. **PROGRAM CAPACITY.** (a) Requires the county judge, in implementing the pilot program, to ensure the program has the resources to provide mental health jail diversion services to not fewer than 200 individuals.

(b) Requires the county judge to endeavor to serve each year the program operates not fewer than 500 or more than 600 individuals cumulatively.

(c) Requires DSHS and the county judge, before the county judge implements the pilot program, jointly to establish clear criteria for identifying a target population to be served by the program. Requires that the criteria prioritize serving a target population composed of members with the highest risks of recidivism and the most severe mental illnesses. Authorizes the county judge, in consultation with the appropriate entities listed in Section 579.005, to adjust the criteria established under this subsection during the operation of the program provided the adjusted criteria are clearly articulated.

Sec. 579.007. **FINANCING THE PROGRAM.** (a) Provides that the creation of the pilot program under this chapter is contingent on the continuing agreement of the Commissioners Court of Harris County 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.

(b) Provides that it is the intent of the legislature that appropriations made to fund the pilot program are made in addition to and will not reduce the amount of appropriations made in the regular funding of the Mental Health and Mental Retardation Authority of Harris County or the Harris County Psychiatric Center.

(c) Authorizes the Commissioners Court of Harris County to seek and receive gifts and grants from federal sources, foundations, individuals, and other sources for the benefit of the pilot program.

Sec. 579.008. INSPECTIONS. Authorizes DSHS to make inspections of the operation of and provision of mental health jail diversion services through the pilot program on behalf of the state to ensure state funds appropriated for the pilot program are used effectively.

Sec. 579.009. REPORT. (a) Requires the commissioner of DSHS (commissioner), not later than December 1, 2016, to 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.

(b) Requires that the report include a description of the features of the criminal justice mental health service model developed and tested under the pilot program and the commissioner's recommendation whether to expand use of the model statewide.

(c) Requires the commissioner, in conducting the evaluation required under Subsection (a), to compare the rate of recidivism in Harris County among persons in the target population before the date the program is implemented in the community to the rate of recidivism among those persons two years after the date the program is implemented in the community and three years after the date the program is implemented in the community. Authorizes the commissioner to include in the evaluation measures of the effectiveness of the program related to the well-being of persons served under the program.

Sec. 579.010. CONCLUSION; EXPIRATION. Provides that the pilot program established under this chapter concludes and this chapter expires September 1, 2017.

SECTION 2. Effective date: upon passage or September 1, 2013.