

By: Huffman, et al.
(Thompson of Harris)

S.B. No. 1185

A BILL TO BE ENTITLED

AN ACT

relating to the creation of a mental health jail diversion pilot program.

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

SECTION 1. Subtitle C, Title 7, Health and Safety Code, is amended by adding Chapter 579 to read as follows:

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

Sec. 579.001. DEFINITIONS. In this chapter:

(1) "Commissioner" means the commissioner of the department.

(2) "County judge" means the county judge of Harris County.

(3) "Department" means the Department of State Health Services.

Sec. 579.002. MENTAL HEALTH JAIL DIVERSION PILOT PROGRAM.

The department, in cooperation with the county judge, shall 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.

Sec. 579.003. CRIMINAL JUSTICE MENTAL HEALTH SERVICE MODEL.

The county judge shall design and test through the pilot program a criminal justice mental health service model oriented toward

1 reducing the recidivism and frequency of arrests and incarceration
2 of persons with mental illness in the Harris County jail. The model
3 initially must apply the critical time intervention principle
4 described by Section 579.004 and must include the following
5 elements:

- 6 (1) low caseload management;
- 7 (2) multilevel residential services; and
- 8 (3) easy access to:
 - 9 (A) integrated health, mental health, and
 - 10 chemical dependency services;
 - 11 (B) benefits acquisition services; and
 - 12 (C) multiple rehabilitation services.

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

18 Sec. 579.005. LOCAL SERVICES COORDINATION. In designing
19 the criminal justice mental health service model the county judge
20 shall seek input from and coordinate the provision of services with
21 the following local entities:

- 22 (1) the Harris County Sheriff's Office;
- 23 (2) the mental health division of the office of the
24 district attorney of Harris County;
- 25 (3) the Harris County public defender;
- 26 (4) mental health courts;
- 27 (5) specially trained law enforcement crisis

1 intervention teams and crisis intervention response teams;
2 (6) providers of competency restoration services;
3 (7) providers of guardianship services;
4 (8) providers of forensic case management;
5 (9) providers of assertive community treatment;
6 (10) providers of crisis stabilization services;
7 (11) providers of intensive and general supportive
8 housing; and
9 (12) providers of integrated mental health and
10 substance abuse inpatient, outpatient, and rehabilitation services.

11 Sec. 579.006. PROGRAM CAPACITY. (a) In implementing the
12 pilot program, the county judge shall ensure the program has the
13 resources to provide mental health jail diversion services to not
14 fewer than 200 individuals.

15 (b) The county judge shall endeavor to serve each year the
16 program operates not fewer than 500 or more than 600 individuals
17 cumulatively.

18 (c) Before the county judge implements the pilot program,
19 the department and the county judge jointly shall establish clear
20 criteria for identifying a target population to be served by the
21 program. The criteria must prioritize serving a target population
22 composed of members with the highest risks of recidivism and the
23 most severe mental illnesses. The county judge, in consultation
24 with the appropriate entities listed in Section 579.005, may adjust
25 the criteria established under this subsection during the operation
26 of the program provided the adjusted criteria are clearly
27 articulated.

1 Sec. 579.007. FINANCING THE PROGRAM. (a) The creation of
2 the pilot program under this chapter is contingent on the
3 continuing agreement of the Commissioners Court of Harris County to
4 contribute to the program each year in which the program operates
5 services for persons with mental illness equivalent in value to
6 funding provided by the state for the program.

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

12 (c) The Commissioners Court of Harris County may seek and
13 receive gifts and grants from federal sources, foundations,
14 individuals, and other sources for the benefit of the pilot
15 program.

16 Sec. 579.008. INSPECTIONS. The department may make
17 inspections of the operation of and provision of mental health jail
18 diversion services through the pilot program on behalf of the state
19 to ensure state funds appropriated for the pilot program are used
20 effectively.

21 Sec. 579.009. REPORT. (a) Not later than December 1,
22 2016, the commissioner shall evaluate and submit a report
23 concerning the effect of the pilot program in reducing recidivism
24 and the frequency of arrests and incarceration among persons with
25 mental illness in Harris County to the governor, the lieutenant
26 governor, the speaker of the house of representatives, and the
27 presiding officers of the standing committees of the senate and

1 house of representatives having primary jurisdiction over health
2 and human services issues and over criminal justice issues.

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

7 (c) In conducting the evaluation required under Subsection
8 (a), the commissioner shall compare the rate of recidivism in
9 Harris County among persons in the target population before the
10 date the program is implemented in the community to the rate of
11 recidivism among those persons two years after the date the program
12 is implemented in the community and three years after the date the
13 program is implemented in the community. The commissioner may
14 include in the evaluation measures of the effectiveness of the
15 program related to the well-being of persons served under the
16 program.

17 Sec. 579.010. CONCLUSION; EXPIRATION. The pilot program
18 established under this chapter concludes and this chapter expires
19 September 1, 2017.

20 SECTION 2. This Act takes effect immediately if it receives
21 a vote of two-thirds of all the members elected to each house, as
22 provided by Section 39, Article III, Texas Constitution. If this
23 Act does not receive the vote necessary for immediate effect, this
24 Act takes effect September 1, 2013.