

1-1 By: Huffman S.B. No. 1185  
 1-2 (In the Senate - Filed March 6, 2013; March 12, 2013, read  
 1-3 first time and referred to Committee on Criminal Justice;  
 1-4 March 25, 2013, reported adversely, with favorable Committee  
 1-5 Substitute by the following vote: Yeas 5, Nays 0; March 25, 2013,  
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11			X	
1-12	X			
1-13			X	
1-14	X			
1-15	X			

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 1185 By: Huffman

1-17 A BILL TO BE ENTITLED  
 1-18 AN ACT

1-19 relating to the creation of a mental health jail diversion pilot  
 1-20 program.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
 1-22 SECTION 1. Subtitle C, Title 7, Health and Safety Code, is  
 1-23 amended by adding Chapter 579 to read as follows:

1-24 CHAPTER 579. MENTAL HEALTH JAIL DIVERSION PILOT PROGRAM; HARRIS  
 1-25 COUNTY

1-26 Sec. 579.001. DEFINITIONS. In this chapter:

1-27 (1) "Commissioner" means the commissioner of the  
 1-28 department.

1-29 (2) "County judge" means the county judge of Harris  
 1-30 County.

1-31 (3) "Department" means the Department of State Health  
 1-32 Services.

1-33 Sec. 579.002. MENTAL HEALTH JAIL DIVERSION PILOT PROGRAM.  
 1-34 The department, in cooperation with the county judge, shall  
 1-35 establish a pilot program in Harris County to be implemented by the  
 1-36 county judge for the purpose of reducing recidivism and the  
 1-37 frequency of arrests and incarceration among persons with mental  
 1-38 illness in that county.

1-39 Sec. 579.003. CRIMINAL JUSTICE MENTAL HEALTH SERVICE MODEL.  
 1-40 The county judge shall design and test through the pilot program a  
 1-41 criminal justice mental health service model oriented toward  
 1-42 reducing the recidivism and frequency of arrests and incarceration  
 1-43 of persons with mental illness in the Harris County jail. The model  
 1-44 initially must apply the critical time intervention principle  
 1-45 described by Section 579.004 and must include the following  
 1-46 elements:

1-47 (1) low caseload management;

1-48 (2) multilevel residential services; and

1-49 (3) easy access to:

1-50 (A) integrated health, mental health, and  
 1-51 chemical dependency services;

1-52 (B) benefits acquisition services; and

1-53 (C) multiple rehabilitation services.

1-54 Sec. 579.004. CRITICAL TIME INTERVENTION. The pilot  
 1-55 program, in applying the critical time intervention principle, must  
 1-56 give persons with mental illness access to available social,  
 1-57 clinical, housing, and welfare services during the first weeks  
 1-58 after the person's release from jail.

1-59 Sec. 579.005. LOCAL SERVICES COORDINATION. In designing  
 1-60 the criminal justice mental health service model the county judge

2-1 shall seek input from and coordinate the provision of services with  
2-2 the following local entities:

- 2-3 (1) the Harris County Sheriff's Office;
- 2-4 (2) the mental health division of the office of the  
2-5 district attorney of Harris County;
- 2-6 (3) the Harris County public defender;
- 2-7 (4) mental health courts;
- 2-8 (5) specially trained law enforcement crisis  
2-9 intervention teams and crisis intervention response teams;
- 2-10 (6) providers of competency restoration services;
- 2-11 (7) providers of guardianship services;
- 2-12 (8) providers of forensic case management;
- 2-13 (9) providers of assertive community treatment;
- 2-14 (10) providers of crisis stabilization services;
- 2-15 (11) providers of intensive and general supportive  
2-16 housing; and
- 2-17 (12) providers of integrated mental health and  
2-18 substance abuse inpatient, outpatient, and rehabilitation services.

2-19 Sec. 579.006. PROGRAM CAPACITY. (a) In implementing the  
2-20 pilot program, the county judge shall ensure the program has the  
2-21 resources to provide mental health jail diversion services to not  
2-22 fewer than 200 individuals.

2-23 (b) The county judge shall endeavor to serve each year the  
2-24 program operates not fewer than 500 or more than 600 individuals  
2-25 cumulatively.

2-26 (c) Before the county judge implements the pilot program,  
2-27 the department and the county judge jointly shall establish clear  
2-28 criteria for identifying a target population to be served by the  
2-29 program. The criteria must prioritize serving a target population  
2-30 composed of members with the highest risks of recidivism and the  
2-31 most severe mental illnesses. The county judge, in consultation  
2-32 with the appropriate entities listed in Section 579.005, may adjust  
2-33 the criteria established under this subsection during the operation  
2-34 of the program provided the adjusted criteria are clearly  
2-35 articulated.

2-36 Sec. 579.007. FINANCING THE PROGRAM. (a) The creation of  
2-37 the pilot program under this chapter is contingent on the  
2-38 continuing agreement of the Commissioners Court of Harris County to  
2-39 contribute to the program each year in which the program operates  
2-40 services for persons with mental illness equivalent in value to  
2-41 funding provided by the state for the program.

2-42 (b) It is the intent of the legislature that appropriations  
2-43 made to fund the pilot program are made in addition to and will not  
2-44 reduce the amount of appropriations made in the regular funding of  
2-45 the Mental Health and Mental Retardation Authority of Harris County  
2-46 or the Harris County Psychiatric Center.

2-47 (c) The Commissioners Court of Harris County may seek and  
2-48 receive gifts and grants from federal sources, foundations,  
2-49 individuals, and other sources for the benefit of the pilot  
2-50 program.

2-51 Sec. 579.008. INSPECTIONS. The department may make  
2-52 inspections of the operation of and provision of mental health jail  
2-53 diversion services through the pilot program on behalf of the state  
2-54 to ensure state funds appropriated for the pilot program are used  
2-55 effectively.

2-56 Sec. 579.009. REPORT. (a) Not later than December 1,  
2-57 2016, the commissioner shall evaluate and submit a report  
2-58 concerning the effect of the pilot program in reducing recidivism  
2-59 and the frequency of arrests and incarceration among persons with  
2-60 mental illness in Harris County to the governor, the lieutenant  
2-61 governor, the speaker of the house of representatives, and the  
2-62 presiding officers of the standing committees of the senate and  
2-63 house of representatives having primary jurisdiction over health  
2-64 and human services issues and over criminal justice issues.

2-65 (b) The report must include a description of the features of  
2-66 the criminal justice mental health service model developed and  
2-67 tested under the pilot program and the commissioner's  
2-68 recommendation whether to expand use of the model statewide.

2-69 (c) In conducting the evaluation required under Subsection

3-1 (a), the commissioner shall compare the rate of recidivism in  
3-2 Harris County among persons in the target population before the  
3-3 date the program is implemented in the community to the rate of  
3-4 recidivism among those persons two years after the date the program  
3-5 is implemented in the community and three years after the date the  
3-6 program is implemented in the community. The commissioner may  
3-7 include in the evaluation measures of the effectiveness of the  
3-8 program related to the well-being of persons served under the  
3-9 program.

3-10 Sec. 579.010. CONCLUSION; EXPIRATION. The pilot program  
3-11 established under this chapter concludes and this chapter expires  
3-12 September 1, 2017.

3-13 SECTION 2. This Act takes effect immediately if it receives  
3-14 a vote of two-thirds of all the members elected to each house, as  
3-15 provided by Section 39, Article III, Texas Constitution. If this  
3-16 Act does not receive the vote necessary for immediate effect, this  
3-17 Act takes effect September 1, 2013.

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