

By: Reynolds, Zerwas, Miller of Fort Bend,  
Stephenson

H.B. No. 2597

A BILL TO BE ENTITLED

AN ACT

relating to the creation of a mental health treatment for  
incarceration 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 580 to read as follows:

CHAPTER 580. MENTAL HEALTH TREATMENT FOR INCARCERATION DIVERSION  
PILOT PROGRAM; FORT BEND COUNTY

Sec. 580.001. DEFINITIONS. In this chapter:

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

(2) "Commissioners court" means the Fort Bend County  
Commissioners Court.

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

Sec. 580.002. MENTAL HEALTH TREATMENT FOR INCARCERATION  
DIVERSION PILOT PROGRAM. The department, in cooperation with the  
commissioners court, shall establish a pilot program in Fort Bend  
County to be implemented by the commissioners court for the purpose  
of reducing recidivism and the frequency of arrests and  
incarceration among persons with mental illness in that county.

Sec. 580.003. CRIMINAL JUSTICE MENTAL HEALTH SERVICE MODEL.  
The commissioners court shall design and test through the pilot  
program a criminal justice mental health service model oriented

1 toward facilitating treatment for persons with mental illness to  
2 reduce the recidivism and frequency of arrests and incarceration of  
3 persons with mental illness in Fort Bend County. The model  
4 initially must apply the critical time intervention principle  
5 described by Section 580.004 and must include the following  
6 elements:

7 (1) caseload management;

8 (2) multilevel residential services; and

9 (3) easy access to:

10 (A) integrated health, mental health, and  
11 chemical dependency services;

12 (B) benefits acquisition services; and

13 (C) multiple rehabilitation services.

14 Sec. 580.004. CRITICAL TIME INTERVENTION. The  
15 commissioners court, in applying the critical time intervention  
16 principle through the pilot program, shall endeavor to give persons  
17 with mental illness access to available social, clinical, housing,  
18 and welfare services during the first weeks after the person's  
19 release from jail.

20 Sec. 580.005. LOCAL SERVICES COORDINATION. In designing  
21 the criminal justice mental health service model the commissioners  
22 court shall seek input from and coordinate the provision of  
23 services with the following local entities:

24 (1) the Fort Bend County Sheriff's Office;

25 (2) the mental health division of the office of the  
26 district attorney of Fort Bend County;

27 (3) the Fort Bend County Mental Health Public

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

14 Sec. 580.006. PROGRAM CAPACITY. (a) In implementing the  
15 pilot program, the commissioners court shall ensure the program has  
16 the resources to provide mental health treatment for incarceration  
17 diversion services to not fewer than 10 individuals.

18 (b) The commissioners court shall endeavor to serve each  
19 year the program operates not fewer than 10 or more than 20  
20 individuals cumulatively.

21 (c) Before the commissioners court implements the pilot  
22 program, the department and the commissioners court jointly shall  
23 establish clear criteria for identifying a target population to be  
24 served by the program. The criteria must prioritize serving a  
25 target population composed of members at high risk of recidivism  
26 and with severe mental illness. The commissioners court, in  
27 consultation with the appropriate entities listed in Section

1 580.005, may adjust the criteria established under this subsection  
2 during the operation of the program provided the adjusted criteria  
3 are clearly articulated.

4 Sec. 580.007. FINANCING THE PROGRAM. (a) The creation of  
5 the pilot program under this chapter is contingent on the  
6 continuing agreement of the commissioners court to contribute to  
7 the program each year in which the program operates services for  
8 persons with mental illness equivalent in value to funding provided  
9 by the state for the program.

10 (b) It is the intent of the legislature that appropriations  
11 made to fund the pilot program are made in addition to and will not  
12 reduce the amount of appropriations made in the regular funding of  
13 the Mental Health and Mental Retardation Authority of Fort Bend  
14 County.

15 (c) The commissioners court may seek and receive gifts and  
16 grants from federal sources, foundations, individuals, and other  
17 sources for the benefit of the pilot program.

18 Sec. 580.008. INSPECTIONS. The department may make  
19 inspections of the operation of and provision of mental health  
20 treatment for incarceration diversion services through the pilot  
21 program on behalf of the state to ensure state funds appropriated  
22 for the pilot program are used effectively.

23 Sec. 580.009. REPORT. (a) Not later than December 1, 2018,  
24 the commissioner shall evaluate and submit a report concerning the  
25 effect of the pilot program in reducing recidivism and the  
26 frequency of arrests and incarceration among persons with mental  
27 illness in Fort Bend County to the governor, the lieutenant

1 governor, the speaker of the house of representatives, and the  
2 presiding officers of the standing committees of the senate and  
3 house of representatives having primary jurisdiction over health  
4 and human services issues and over criminal justice issues.

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

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

19 Sec. 580.010. CONCLUSION; EXPIRATION. The pilot program  
20 established under this chapter concludes and this chapter expires  
21 September 1, 2019.

22 SECTION 2. This Act takes effect immediately if it receives  
23 a vote of two-thirds of all the members elected to each house, as  
24 provided by Section 39, Article III, Texas Constitution. If this  
25 Act does not receive the vote necessary for immediate effect, this  
26 Act takes effect September 1, 2015.