

By: Garcia, et al.  
(Naishtat, Price)

S.B. No. 1507

Substitute the following for S.B. No. 1507:

By: Crownover

C.S.S.B. No. 1507

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the appointment of a forensic director responsible for  
3 statewide coordination and oversight of forensic mental health  
4 services overseen by the Department of State Health Services.

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

6 SECTION 1. Chapter 532, Health and Safety Code, is amended  
7 by adding Sections 532.013 and 532.0131 to read as follows:

8 Sec. 532.013. FORENSIC DIRECTOR. (a) In this section:

9 (1) "Forensic patient" means a person with mental  
10 illness who is:

11 (A) examined on the issue of competency to stand  
12 trial by an expert appointed under Subchapter B, Chapter 46B, Code  
13 of Criminal Procedure;

14 (B) found incompetent to stand trial under  
15 Subchapter C, Chapter 46B, Code of Criminal Procedure;

16 (C) committed to court-ordered mental health  
17 services under Subchapter E, Chapter 46B, Code of Criminal  
18 Procedure; or

19 (D) found not guilty by reason of insanity under  
20 Chapter 46C, Code of Criminal Procedure.

21 (2) "Forensic services" means a competency  
22 examination, competency restoration services, or mental health  
23 services provided to a current or former forensic patient in the  
24 community or at a department facility.

1 (b) The commissioner shall appoint a forensic director.

2 (c) To be qualified for appointment as forensic director, a  
3 person must have proven expertise in the social, health, and legal  
4 systems for forensic patients, and in the intersection of those  
5 systems.

6 (d) The forensic director reports to the commissioner and is  
7 responsible for:

8 (1) statewide coordination and oversight of forensic  
9 services;

10 (2) coordination of programs operated by the  
11 department relating to evaluation of forensic patients, transition  
12 of forensic patients from inpatient to outpatient or  
13 community-based services, community forensic monitoring, or  
14 forensic research and training; and

15 (3) addressing issues with the delivery of forensic  
16 services in the state, including:

17 (A) significant increases in populations with  
18 serious mental illness and criminal justice system involvement;

19 (B) adequate availability of department  
20 facilities for civilly committed forensic patients;

21 (C) wait times for forensic patients who require  
22 competency restoration services;

23 (D) interruption of mental health services of  
24 recently released forensic patients; and

25 (E) coordination of services provided to  
26 forensic patients by state agencies.

27 Sec. 532.0131. FORENSIC WORK GROUP. (a) In this section,

1 "forensic patient" and "forensic services" have the meanings  
2 assigned by Section 532.013.

3 (b) The commissioner shall establish a work group of experts  
4 and stakeholders to make recommendations concerning the creation of  
5 a comprehensive plan for the effective coordination of forensic  
6 services.

7 (c) The work group must have not fewer than nine members,  
8 with the commissioner selecting the total number of members at the  
9 time the commissioner establishes the work group.

10 (d) The executive commissioner of the Health and Human  
11 Services Commission shall appoint as members of the work group:

12 (1) a representative of the department;

13 (2) a representative of the Texas Department of  
14 Criminal Justice;

15 (3) a representative of the Texas Juvenile Justice  
16 Department;

17 (4) a representative of the Texas Correctional Office  
18 on Offenders with Medical or Mental Impairments;

19 (5) a representative of the Sheriff's Association of  
20 Texas;

21 (6) a superintendent of a state hospital with a  
22 maximum security forensic unit;

23 (7) a representative of a local mental health  
24 authority;

25 (8) a representative of the protection and advocacy  
26 system of this state established in accordance with 42 U.S.C.  
27 Section 15043, appointed by the administrative head of that system;

1 and

2 (9) additional members as needed to comply with the  
3 number of members selected by the commissioner, who must be  
4 recognized experts in forensic patients or persons who represent  
5 the interests of forensic patients, and who may be advocates,  
6 family members, psychiatrists, psychologists, social workers,  
7 psychiatric nurses, or representatives of hospitals licensed under  
8 Chapter 241 or 577.

9 (e) In developing recommendations, the work group may use  
10 information compiled by other work groups in the state, especially  
11 work groups for which the focus is mental health issues.

12 (f) Not later than July 1, 2016, the work group established  
13 under this section shall send a report describing the work group's  
14 recommendations to the lieutenant governor, the speaker of the  
15 house of representatives, and the standing committees of the senate  
16 and the house of representatives with primary jurisdiction over  
17 forensic services.

18 (g) The executive commissioner of the Health and Human  
19 Services Commission may adopt rules as necessary to implement this  
20 section.

21 (h) The work group established under this section is  
22 dissolved and this section expires November 1, 2019.

23 SECTION 2. (a) Not later than November 1, 2015, the  
24 commissioner of state health services shall establish a forensic  
25 work group, and the executive commissioner of the Health and Human  
26 Services Commission shall appoint members of that work group, as  
27 required by Section 532.0131, Health and Safety Code, as added by

1 this Act.

2 (b) Not later than November 1, 2015, the executive  
3 commissioner of the Health and Human Services Commission shall  
4 adopt any rules necessary for the implementation of Section 532.013  
5 or 532.0131, Health and Safety Code, as added by this Act.

6 SECTION 3. The commissioner of state health services shall  
7 appoint a forensic director as required by Section 532.013, Health  
8 and Safety Code, as added by this Act, as soon as practicable after  
9 the effective date of this Act.

10 SECTION 4. This Act takes effect immediately if it receives  
11 a vote of two-thirds of all the members elected to each house, as  
12 provided by Section 39, Article III, Texas Constitution. If this  
13 Act does not receive the vote necessary for immediate effect, this  
14 Act takes effect September 1, 2015.