

BILL ANALYSIS

C.S.H.B. 637
By: White
Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties have identified a growing need to address the concerns regarding youth with mental illness in the juvenile justice system. C.S.H.B. 637 seeks to provide for local stakeholder input in regions across the state to gather the most effective ideas to improve the current system.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 637 amends the Health and Safety Code to require each local mental health authority to form a local committee on children's mental health encompassing the authority's region. The bill sets out the composition of such a committee and requires the committee to develop and adopt a plan and submit the plan to the Health and Human Services Commission (HHSC) not later than January 1, 2019. The bill requires the committee to develop, adopt, and unanimously agree on a plan identifying the population of children with mental illness who are committed to the Texas Juvenile Justice Department (TJJD); a measurable goal for reducing that population; a method for improving indigent defense for children with mental illness who are alleged to have engaged in delinquent conduct or conduct indicating a need for supervision; a method for addressing mental illness among children who are the subject of an investigation of child abuse or neglect; a method for quickly identifying and diverting children with mental illness from TJJD in the interest of public safety, justice, and public health; and a method for providing community supervision to reduce recidivism among children adjudicated as having engaged in delinquent conduct or conduct indicating a need for supervision and to reduce the population of children aging out of TJJD and into the adult criminal justice system.

C.S.H.B. 637 requires the committee to dissolve after the committee submits its plan to HHSC. The bill prohibits HHSC from distributing to a local mental health authority state funds for mental or behavioral health services for the 2020-2021 state fiscal biennium unless the authority's committee has submitted its plan to HHSC on or before January 1, 2019. The bill's provisions expire August 31, 2021.

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 637 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Subtitle C, Title 7, Health and Safety Code, is amended by adding Chapter 581 to read as follows:

CHAPTER 581. LOCAL COMMITTEE ON CHILDREN'S MENTAL HEALTH

Sec. 581.001. DEFINITIONS. In this chapter:

(1) "Child" has the meaning assigned by Section 51.02, Family Code.

(2) "Committee" means a local committee on children's mental health formed by a local mental health authority.

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

(4) "Region" means the local service area for which a local mental health authority designated under Section 533.035 is responsible.

Sec. 581.002. LOCAL COMMITTEE ON CHILDREN'S MENTAL HEALTH. (a) Each local mental health authority shall form a local committee on children's mental health encompassing the authority's region.

(b) The committee shall develop and adopt a plan and submit the plan to the department not later than January 1, 2019.

Sec. 581.003. COMPOSITION OF COMMITTEE.

Sec. 581.004. DEVELOPMENT OF PLAN.

Sec. 581.005. DISSOLUTION OF COMMITTEE. The committee shall dissolve after the committee submits its plan to the department.

Sec. 581.006. CONDITION TO RECEIVE CONTINUED STATE FUNDING FOR BEHAVIORAL HEALTH. The department may not distribute to a local mental health authority state funds for mental or behavioral health services for the fiscal biennium beginning September 1, 2019,

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subtitle C, Title 7, Health and Safety Code, is amended by adding Chapter 581 to read as follows:

CHAPTER 581. LOCAL COMMITTEE ON CHILDREN'S MENTAL HEALTH

Sec. 581.001. DEFINITIONS. In this chapter:

(1) "Child" has the meaning assigned by Section 51.02, Family Code.

(2) "Commission" means the Health and Human Services Commission.

(3) "Committee" means a local committee on children's mental health formed by a local mental health authority.

(4) "Region" means the local service area for which a local mental health authority designated under Section 533.035 is responsible.

Sec. 581.002. LOCAL COMMITTEE ON CHILDREN'S MENTAL HEALTH. (a) Each local mental health authority shall form a local committee on children's mental health encompassing the authority's region.

(b) The committee shall develop and adopt a plan and submit the plan to the commission not later than January 1, 2019.

Sec. 581.003. COMPOSITION OF COMMITTEE.

Sec. 581.004. DEVELOPMENT OF PLAN.

Sec. 581.005. DISSOLUTION OF COMMITTEE. The committee shall dissolve after the committee submits its plan to the commission.

Sec. 581.006. CONDITION TO RECEIVE CONTINUED STATE FUNDING FOR MENTAL OR BEHAVIORAL HEALTH SERVICES. The commission may not distribute to a local mental health authority state funds for mental or behavioral health services for the fiscal biennium beginning

unless the authority's committee has submitted to the department its plan on or before January 1, 2019.

Sec. 581.007. EXPIRATION.

SECTION 2. This Act takes effect September 1, 2017.

September 1, 2019, unless the authority's committee has submitted to the commission its plan on or before January 1, 2019.

Sec. 581.007. EXPIRATION.

SECTION 2. Same as introduced version.