

BILL ANALYSIS

C.S.H.B. 4142
By: Coleman
County Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties contend that certain statutory changes are needed relating to counties and other governmental entities regarding behavioral health, such as changes relating to mental health training and the creation of a mental health public defender office. C.S.H.B. 4142 seeks to make such changes.

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. 4142 amends the Code of Criminal Procedure to shorten the deadline by which a sheriff is required to provide notice to a magistrate of credible information that may establish reasonable cause to believe that a defendant committed to the sheriff's custody has a mental illness or is a person with an intellectual disability from not later than 72 hours after receiving the information to not later than four hours after receiving the information. The bill requires each law enforcement agency to make a good faith effort to divert a person suffering a mental health crisis or suffering from the effects of substance abuse to a proper treatment center in the agency's jurisdiction if: it is reasonably possible to divert the person; the offense that the person is accused of is a misdemeanor, other than a misdemeanor involving violence; and the mental health crisis or substance abuse issue is suspected to be the reason the person committed the alleged offense. The bill updates references to mental retardation with references to intellectual disability.

C.S.H.B. 4142 amends the Government Code to require the commissioners court of each county that has not established a family drug court program, not later than September 1, 2018, to study the effect the creation of a family drug court would have in the county. The bill requires each commissioners court in a county conducting such a study to request assistance as specified by the bill and requires the sheriff and, as applicable, the county attorney, district attorney, or criminal district attorney to assist in conducting the study. The bill requires the study to analyze the effectiveness of creating a court that specializes in cases in which a parent or person standing in parental relation suffers from drug addiction and the effectiveness of case management used by a family drug court program. These provisions expire January 1, 2019.

C.S.H.B. 4142 establishes the family drug court fund as a dedicated account in the general revenue fund in the state treasury consisting of appropriations of money to the fund by the

legislature and gifts, grants, including grants from the federal government, and other donations received for the fund. The bill requires the Health and Human Services Commission (HHSC) to administer the fund and restricts the use of money in the account to the payment of counties for the establishment and administration of a family drug court. The bill requires a county, to receive money from the fund, to submit the study on the effect of the creation of a family drug court in the county and a detailed proposal of the establishment of the court. The bill requires HHSC, not later than January 1, 2018, to adopt rules establishing the criteria for awarding a grant to counties to establish a family drug court.

C.S.H.B. 4142 includes as a purpose of grants made by the Department of State Health Services (DSHS) for the establishment and expansion of community collaboratives the provision of services to persons experiencing substance abuse issues. The bill removes the limit on the number of grants DSHS may make and the condition that the grants be made in certain of the most populous municipalities. The bill requires DSHS in awarding grants to give special consideration, as an alternative to special consideration for entities establishing a new collaborative, to entities establishing or expanding collaboratives that serve two or more contiguous counties, each with a population of less than 100,000. The bill includes among the requirements for each entity awarded a grant the requirement that each entity provide evidence of a local law enforcement policy to divert appropriate persons from jails or other detention facilities to an entity affiliated with a community collaborative for the purpose of providing services to those persons and provide evidence of significant coordination and collaboration with local law enforcement agencies in establishing or expanding a community collaborative funded by an awarded grant.

C.S.H.B. 4142 requires the governing body of a county to develop and make public a plan detailing how local mental health authorities, municipalities, local law enforcement agencies, and other community stakeholders in the county could coordinate to establish or expand a community collaborative to accomplish the goal of bringing the public and private sectors together to provide services to persons experiencing homelessness, substance abuse issues, and mental illness, how entities in the county may leverage funding from private sources to accomplish that goal through the formation or expansion of a community collaborative, and how the formation or expansion of a community collaborative could establish or support resources or services to help local law enforcement agencies to divert persons who have been arrested to appropriate mental health care or substance abuse treatment. The governing body of a county in which an entity that received a grant to establish or expand community collaboratives before September 1, 2017, is located is expressly not required to develop a plan. The bill authorizes two or more contiguous counties, each with a population of less than 100,000, to form a joint plan.

C.S.H.B. 4142 amends the Health and Safety Code to require programs on the list of recommended best practice-based programs in certain areas of mental health promotion and intervention, substance abuse prevention and intervention, and suicide prevention provided by DSHS for implementation in public school districts to include components that provide for training counselors, teachers, nurses, administrators, and other staff, as well as law enforcement officers and social workers who regularly interact with students, to recognize students displaying signs of physical or emotional trauma and to intervene effectively with such students by providing notice and referral to a parent or guardian so appropriate action may be taken by a parent or guardian. The bill requires each district to report annually to the Texas Education Agency (TEA) the number of principals, teachers, and counselors employed by the district who have completed applicable training provided by the district relating to mental health promotion and intervention, substance abuse prevention and intervention, and suicide prevention and the total number of principals, teachers, and counselors employed by the district and requires TEA to make the reported information available to the public on the TEA website.

C.S.H.B. 4142 revises provisions relating to methods of giving notice and filing requirements. The bill authorizes a court, with the permission of the commissioners court of the county in which the court is located, to establish a mental health public defender office to provide proposed

patients with legal representation provided by attorneys associated with that office. The bill requires a court to appoint an attorney associated with a mental health public defender office, a public defender other than a mental health public defender, or a private attorney to represent a proposed patient in any proceeding under statutory provisions relating to court-ordered mental health services.

C.S.H.B. 4142 amends the Human Resources Code to require HHSC, if an individual is confined in a county jail because the individual has been charged with but not convicted of an offense, to suspend the individual's Medicaid eligibility during the period the individual is confined in the county jail. The bill requires HHSC, if an individual is confined in a county jail because the individual has been convicted of an offense, to either terminate the individual's Medicaid eligibility or suspend the individual's eligibility during the period the individual is confined in the county jail, as appropriate. The bill requires HHSC, not later than 48 hours after HHSC is notified of the release from a county jail of an individual whose Medicaid eligibility has been suspended, to reinstate the individual's eligibility, provided the individual's eligibility certification period has not elapsed. The bill establishes that the individual, following the reinstatement, remains eligible until the expiration of the period for which the individual was certified as eligible.

C.S.H.B. 4142 amends the Local Government Code to provide for notice by a county sheriff to HHSC and the United States Social Security Administration regarding the confinement in the county jail of a recipient of certain governmental benefits. The bill provides for the notices to be provided electronically or by other appropriate means and sets out deadlines by which the notice is required to be provided, under specified circumstances. The bill requires HHSC to establish a means by which the sheriff of a county may determine whether an individual confined in the county jail is or was, as appropriate, receiving medical assistance benefits for purposes of providing the applicable notice. The bill exempts the county or sheriff from liability in a civil action for damages resulting from a failure to comply with the bill's provisions relating to providing notice with regard to the confinement in the county jail of a recipient of certain governmental benefits.

C.S.H.B. 4142 amends the Occupations Code to specify that the statewide education and training program for law enforcement officers on de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments is a 40-hour program. The bill requires the county jailer preparatory training program to include a minimum of 24 hours of training on such techniques. The bill requires the Texas Commission on Law Enforcement, not later than January 1, 2018, to establish or modify training programs as necessary to comply with these provisions and to make certain supplemental training available for certain county jailers who did not receive at least 24 hours of training on the applicable techniques. The bill requires the successful completion of such supplemental training not later than September 1, 2019.

C.S.H.B. 4142 repeals Section 571.014(d), Health and Safety Code.

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 4142 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

HOUSE COMMITTEE SUBSTITUTE

85R 26792

17.117.597

Substitute Document Number: 85R 22530

No equivalent provision.

SECTION 1. Article 16.22, Code of Criminal Procedure, is amended to read as follows:

Art. 16.22. EARLY IDENTIFICATION OF DEFENDANT SUSPECTED OF HAVING MENTAL ILLNESS OR INTELLECTUAL DISABILITY [~~MENTAL RETARDATION~~].

(a)(1) Not later than four [~~72~~] hours after receiving credible information that may establish reasonable cause to believe that a defendant committed to the sheriff's custody has a mental illness or is a person with an intellectual disability [~~mental retardation~~], including observation of the defendant's behavior immediately before, during, and after the defendant's arrest and the results of any previous assessment of the defendant, the sheriff shall provide written or electronic notice of the information to the magistrate. On a determination that there is reasonable cause to believe that the defendant has a mental illness or is a person with an intellectual disability [~~mental retardation~~], the magistrate, except as provided by Subdivision (2), shall order the local mental health or intellectual and developmental disability [~~mental retardation~~] authority or another qualified mental health or intellectual disability [~~mental retardation~~] expert to:

(A) collect information regarding whether the defendant has a mental illness as defined by Section 571.003, Health and Safety Code, or is a person with an intellectual disability [~~mental retardation~~] as defined by Section 591.003, Health and Safety Code, including information obtained from any previous assessment of the defendant; and
(B) provide to the magistrate a written assessment of the information collected under Paragraph (A).

(2) The magistrate is not required to order the collection of information under Subdivision (1) if the defendant in the year preceding the defendant's applicable date of arrest has been determined to have a mental illness or to be a person with an intellectual disability [~~mental retardation~~] by the local mental health or intellectual and developmental disability [~~mental retardation~~] authority or another mental health or intellectual disability [~~mental retardation~~] expert described by Subdivision (1). A court that elects to use the results of

that previous determination may proceed under Subsection (c).

(3) If the defendant fails or refuses to submit to the collection of information regarding the defendant as required under Subdivision (1), the magistrate may order the defendant to submit to an examination in a mental health facility determined to be appropriate by the local mental health or intellectual and developmental disability [~~mental retardation~~] authority for a reasonable period not to exceed 21 days. The magistrate may order a defendant to a facility operated by the Department of State Health Services or the Health and Human Services Commission [~~Department of Aging and Disability Services~~] for examination only on request of the local mental health or intellectual and developmental disability [~~mental retardation~~] authority and with the consent of the head of the facility. If a defendant who has been ordered to a facility operated by the Department of State Health Services or the Health and Human Services Commission [~~Department of Aging and Disability Services~~] for examination remains in the facility for a period exceeding 21 days, the head of that facility shall cause the defendant to be immediately transported to the committing court and placed in the custody of the sheriff of the county in which the committing court is located. That county shall reimburse the facility for the mileage and per diem expenses of the personnel required to transport the defendant calculated in accordance with the state travel regulations in effect at the time.

(b) A written assessment of the information collected under Subsection (a)(1)(A) shall be provided to the magistrate not later than the 30th day after the date of any order issued under Subsection (a) in a felony case and not later than the 10th day after the date of any order issued under that subsection in a misdemeanor case, and the magistrate shall provide copies of the written assessment to the defense counsel, the prosecuting attorney, and the trial court. The written assessment must include a description of the procedures used in the collection of information under Subsection (a)(1)(A) and the applicable expert's observations and findings pertaining to:

(1) whether the defendant is a person who has a mental illness or is a person with an

intellectual disability [~~mental retardation~~];

(2) whether there is clinical evidence to support a belief that the defendant may be incompetent to stand trial and should undergo a complete competency examination under Subchapter B, Chapter 46B; and

(3) recommended treatment.

(c) After the trial court receives the applicable expert's written assessment relating to the defendant under Subsection (b) or elects to use the results of a previous determination as described by Subsection (a)(2), the trial court may, as applicable:

(1) resume criminal proceedings against the defendant, including any appropriate proceedings related to the defendant's release on personal bond under Article 17.032;

(2) resume or initiate competency proceedings, if required, as provided by Chapter 46B or other proceedings affecting the defendant's receipt of appropriate court-ordered mental health or intellectual disability [~~mental retardation~~] services, including proceedings related to the defendant's receipt of outpatient mental health services under Section 574.034, Health and Safety Code; or

(3) consider the written assessment during the punishment phase after a conviction of the offense for which the defendant was arrested, as part of a presentence investigation report, or in connection with the impositions of conditions following placement on community supervision, including deferred adjudication community supervision.

(d) This article does not prevent the applicable court from, before, during, or after the collection of information regarding the defendant as described by this article:

(1) releasing a defendant who has a mental illness [~~mentally ill~~] or is a person with an intellectual disability [~~mentally retarded defendant~~] from custody on personal or surety bond; or

(2) ordering an examination regarding the defendant's competency to stand trial.

No equivalent provision.

SECTION 2. Chapter 16, Code of Criminal Procedure, is amended by adding Article 16.23 to read as follows:
Art. 16.23. DIVERSION OF PERSONS

SUFFERING MENTAL HEALTH CRISIS OR SUBSTANCE ABUSE ISSUE. Each law enforcement agency shall make a good faith effort to divert a person suffering a mental health crisis or suffering from the effects of substance abuse to a proper treatment center in the agency's jurisdiction if:

(1) it is reasonably possible to divert the person;

(2) the offense that the person is accused of is a misdemeanor, other than a misdemeanor involving violence; and

(3) the mental health crisis or substance abuse issue is suspected to be the reason the person committed the alleged offense.

No equivalent provision.

SECTION 3. The heading to Article 17.032, Code of Criminal Procedure, is amended to read as follows:

Art. 17.032. RELEASE ON PERSONAL BOND OF CERTAIN [~~MENTALLY ILL~~] DEFENDANTS WITH MENTAL ILLNESS OR INTELLECTUAL DISABILITY.

No equivalent provision.

SECTION 4. Articles 17.032(b) and (c), Code of Criminal Procedure, are amended to read as follows:

(b) A magistrate shall release a defendant on personal bond unless good cause is shown otherwise if the:

(1) defendant is not charged with and has not been previously convicted of a violent offense;

(2) defendant is examined by the local mental health or intellectual and developmental disability [~~mental retardation~~] authority or another mental health expert under Article 16.22 [~~of this code~~];

(3) applicable expert, in a written assessment submitted to the magistrate under Article 16.22:

(A) concludes that the defendant has a mental illness or is a person with an intellectual disability [~~mental retardation~~] and is nonetheless competent to stand trial; and

(B) recommends mental health treatment or intellectual disability treatment for the defendant, as applicable; and

(4) magistrate determines, in consultation

with the local mental health or intellectual and developmental disability [~~mental retardation~~] authority, that appropriate community-based mental health or intellectual disability [~~mental retardation~~] services for the defendant are available through the [~~Texas~~] Department of State [~~Mental~~] Health Services [~~and Mental Retardation~~] under Section 534.053, Health and Safety Code, or through another mental health or intellectual disability [~~mental retardation~~] services provider.

(c) The magistrate, unless good cause is shown for not requiring treatment, shall require as a condition of release on personal bond under this article that the defendant submit to outpatient or inpatient mental health or intellectual disability [~~mental retardation~~] treatment as recommended by the local mental health or intellectual and developmental disability [~~mental retardation~~] authority if the defendant's:

- (1) mental illness or intellectual disability [~~mental retardation~~] is chronic in nature; or
- (2) ability to function independently will continue to deteriorate if the defendant is not treated.

No equivalent provision.

SECTION 5. Chapter 122, Government Code, is amended by adding Sections 122.005 and 122.006 to read as follows:

Sec. 122.005. FAMILY DRUG COURT STUDY. (a) Not later than September 1, 2018, the commissioners court of each county that has not established a family drug court program shall study the effect the creation of a family drug court would have in the county. The sheriff and, as applicable, the county attorney, district attorney, or criminal district attorney shall assist in conducting the study. The study must analyze the effectiveness of:

- (1) creating a court that specializes in cases in which a parent or person standing in parental relation suffers from drug addiction; and
- (2) case management used by a family drug court program, including the involvement of Department of Family and Protective Services caseworkers, court-appointed case managers, and court-appointed special advocates, to rehabilitate a parent or person standing in parental relation who has had a child removed from the parent's or person's

care by the department or who is under investigation to determine if a child should be removed from the care of the parent or person standing in parental relation by the department.

(b) Each commissioners court in a county conducting the study required by Subsection

(a) shall request assistance from:

(1) judges located in the county;

(2) child protective services caseworkers and supervisors;

(3) attorneys ad litem;

(4) guardians ad litem;

(5) drug treatment providers;

(6) family and child therapists;

(7) peer recovery coach providers;

(8) domestic violence victim advocates;

(9) housing partners;

(10) drug coordinators;

(11) drug court services managers; and

(12) drug court case managers.

(c) This section expires January 1, 2019.

Sec. 122.006. GRANT FUNDING FOR FAMILY DRUG COURTS. (a) The family drug court fund is a dedicated account in the general revenue fund in the state treasury.

(b) The family drug court fund consists of:

(1) appropriations of money to the fund by the legislature; and

(2) gifts, grants, including grants from the federal government, and other donations received for the fund.

(c) The Health and Human Services Commission shall administer the family drug court fund. Money in the account may be used only to pay counties to establish and administer a family drug court. To receive money from the family drug court fund a county must submit the study conducted under Section 122.005 on the effect of the creation of a family drug court in the county and a detailed proposal of the establishment of the court.

No equivalent provision.

SECTION 6. Section 539.002, Government Code, is amended to read as follows:

Sec. 539.002. GRANTS FOR ESTABLISHMENT AND EXPANSION OF COMMUNITY COLLABORATIVES.

(a) To the extent funds are appropriated to the department for that purpose, the department shall make grants to entities, including local governmental entities, nonprofit community organizations, and

faith-based community organizations, to establish or expand community collaboratives that bring the public and private sectors together to provide services to persons experiencing homelessness, substance abuse issues, and mental illness. ~~[The department may make a maximum of five grants, which must be made in the most populous municipalities in this state that are located in counties with a population of more than one million.]~~ In awarding grants, the department shall give special consideration to entities:

(1) establishing ~~[a]~~ new collaboratives; or
(2) establishing or expanding collaboratives that serve two or more contiguous counties, each with a population of less than 100,000 ~~[collaborative]~~.

(b) The department shall require each entity awarded a grant under this section to:

(1) leverage additional funding from private sources in an amount that is at least equal to the amount of the grant awarded under this section; ~~[and]~~

(2) provide evidence of significant coordination and collaboration between the entity, local mental health authorities, municipalities, local law enforcement agencies, and other community stakeholders in establishing or expanding a community collaborative funded by a grant awarded under this section; and

(3) provide evidence of a local law enforcement policy to divert appropriate persons from jails or other detention facilities to an entity affiliated with a community collaborative for the purpose of providing services to those persons.

No equivalent provision.

SECTION 7. Chapter 539, Government Code, is amended by adding Section 539.0051 to read as follows:

Sec. 539.0051. PLAN REQUIRED FOR CERTAIN COMMUNITY COLLABORATIVES. (a) The governing body of a county shall develop and make public a plan detailing:

(1) how local mental health authorities, municipalities, local law enforcement agencies, and other community stakeholders in the county could coordinate to establish or expand a community collaborative to accomplish the goals of Section 539.002;

(2) how entities in the county may leverage

funding from private sources to accomplish the goals of Section 539.002 through the formation or expansion of a community collaborative; and

(3) how the formation or expansion of a community collaborative could establish or support resources or services to help local law enforcement agencies to divert persons who have been arrested to appropriate mental health care or substance abuse treatment.

(b) The governing body of a county in which an entity that received a grant under Section 539.002 before September 1, 2017, is located is not required to develop a plan under Subsection (a).

(c) Two or more contiguous counties, each with a population of less than 100,000, may form a joint plan under Subsection (a).

SECTION 1. Section 571.014, Health and Safety Code, is amended by amending Subsection (c) to read as follows:

(c) A person may ~~initially~~ file a paper with the county clerk by the use of reproduced, photocopied, or electronically transmitted paper ~~if the person files the original signed copies of the paper with the clerk not later than the 72nd hour after the hour on which the initial filing is made. If the 72-hour period ends on a Saturday, Sunday, or legal holiday, the filing period is extended until 4 p.m. on the first succeeding business day. If extremely hazardous weather conditions exist or a disaster occurs, the presiding judge or magistrate may by written order made each day extend the filing period until 4 p.m. on the first succeeding business day. The written order must declare that an emergency exists because of the weather or the occurrence of a disaster. If a person detained under this subtitle would otherwise be released because the original signed copy of a paper is not filed within the 72-hour period but for the extension of the filing period under this section, the person may be detained until the expiration of the extended filing period. This subsection does not affect another provision of this subtitle requiring the release or discharge of a person. If the paper is filed by the use of reproduced, photocopied, or electronically transmitted paper, the person shall maintain the original paper and shall provide it to the~~

SECTION 10. Section 571.014(c), Health and Safety Code, is amended to read as follows:

(c) A person may [~~initially~~] file a paper with the county clerk by the use of reproduced, photocopied, or electronically transmitted paper copies of [if the person files] the original signed copies of the paper. A person who files a reproduced, photocopied, or electronically transmitted paper must maintain possession of the original signed copies of the paper and shall make the original paper available for inspection on request by the parties or the court [with the clerk not later than the 72nd hour after the hour on which the initial filing is made. If the 72-hour period ends on a Saturday, Sunday, or legal holiday, the filing period is extended until 4 p.m. on the first succeeding business day. If extremely hazardous weather conditions exist or a disaster occurs, the presiding judge or magistrate may by written order made each day extend the filing period until 4 p.m. on the first succeeding business day. The written order must declare that an emergency exists because of the weather or the occurrence of a disaster. If a person detained under this subtitle would otherwise be released because the original signed copy of a paper is not filed within the 72-hour period but for the extension of the filing period under this section, the person may be detained until the expiration of the extended

parties or the court upon request.

SECTION 2. Section 571.013, Health and Safety Code, is amended to read as follows:

Sec. 571.013. METHOD OF GIVING NOTICE. Except as otherwise provided by this subtitle, notice required under this subtitle may be given by a constable or sheriff delivering a copy of the notice or document in person or

in another manner directed by the court that is reasonably calculated to give actual notice.

No equivalent provision.

~~filing period. This subsection does not affect another provision of this subtitle requiring the release or discharge of a person].~~

SECTION 9. Section 571.013, Health and Safety Code, is amended to read as follows:

Sec. 571.013. METHOD OF GIVING NOTICE. Except as otherwise provided by this subtitle, notice required under this subtitle may be given by:

(1) personal delivery of [delivering] a copy of the notice or document by a constable or sheriff of the county; [in person] or

(2) ~~[in]~~ another manner directed by the court that is reasonably calculated to give actual notice.

SECTION 12. Subchapter B, Chapter 32, Human Resources Code, is amended by adding Section 32.0266 to read as follows:

Sec. 32.0266. SUSPENSION, TERMINATION, AND AUTOMATIC REINSTATEMENT OF ELIGIBILITY FOR INDIVIDUALS CONFINED IN COUNTY JAILS. (a) In this section, "county jail" means a facility operated by or for a county for the confinement of persons accused or convicted of an offense.

(b) If an individual is confined in a county jail because the individual has been charged with but not convicted of an offense, the commission shall suspend the individual's eligibility for medical assistance during the period the individual is confined in the county jail.

(c) If an individual is confined in a county jail because the individual has been convicted of an offense, the commission shall, as appropriate:

(1) terminate the individual's eligibility for medical assistance; or

(2) suspend the individual's eligibility during the period the individual is confined in the county jail.

(d) Not later than 48 hours after the commission is notified of the release from a county jail of an individual whose eligibility for medical assistance has been suspended under this section, the commission shall reinstate the individual's eligibility, provided the individual's eligibility certification period has not elapsed. Following the

reinstatement, the individual remains eligible until the expiration of the period for which the individual was certified as eligible.

No equivalent provision.

SECTION 13. Subchapter C, Chapter 351, Local Government Code, is amended by adding Section 351.046 to read as follows:

Sec. 351.046. NOTICE TO CERTAIN GOVERNMENTAL ENTITIES. (a) In this section, "medical assistance benefits" means medical assistance benefits provided under Chapter 32, Human Resources Code.

(b) The sheriff of a county may notify the Health and Human Services Commission:

(1) on the confinement in the county jail of an individual who is receiving medical assistance benefits; and

(2) on the conviction of a prisoner who, immediately before the prisoner's confinement in the county jail, was receiving medical assistance benefits.

(c) If the sheriff of a county chooses to provide the notices described by Subsection (b), the sheriff shall provide the notices electronically or by other appropriate means as soon as possible and not later than the 30th day after the date of the individual's confinement or prisoner's conviction, as applicable.

(d) The sheriff of a county may notify:

(1) the United States Social Security Administration of the release or discharge of a prisoner who, immediately before the prisoner's confinement in the county jail, was receiving:

(A) Supplemental Security Income (SSI) benefits under 42 U.S.C. Section 1381 et seq.; or

(B) Social Security Disability Insurance (SSDI) benefits under 42 U.S.C. Section 401 et seq.; and

(2) the Health and Human Services Commission of the release or discharge of a prisoner who, immediately before the prisoner's confinement in the county jail, was receiving medical assistance benefits.

(e) If the sheriff of a county chooses to provide the notices described by Subsection (d), the sheriff shall provide the notices electronically or by other appropriate means not later than 48 hours after the prisoner's release or discharge from custody.

(f) If the sheriff of a county chooses to

provide the notices described by Subsection (d), at the time of the prisoner's release or discharge, the sheriff shall provide the prisoner with a written copy of each applicable notice and a telephone number at which the prisoner may contact the Health and Human Services Commission regarding confirmation of or assistance relating to reinstatement of the individual's eligibility for medical assistance benefits, if applicable.

(g) The Health and Human Services Commission shall establish a means by which the sheriff of a county may determine whether an individual confined in the county jail is or was, as appropriate, receiving medical assistance benefits for purposes of this section.

(h) The county or sheriff is not liable in a civil action for damages resulting from a failure to comply with this section.

No equivalent provision.

SECTION 14. Section 1701.253(j), Occupations Code, is amended to read as follows:

(j) As part of the minimum curriculum requirements, the commission shall require an officer to complete a 40-hour statewide education and training program on de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments. An officer shall complete the program not later than the second anniversary of the date the officer is licensed under this chapter or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier. An officer may not satisfy the requirements of this subsection [~~section~~] or Section 1701.402(g) by taking an online course on de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments.

SECTION 3. Section 1701.310, Occupations Code, is amended by amending Subsections (a) to read as follows:

Sec. 1701.310. APPOINTMENT OF COUNTY JAILER; TRAINING REQUIRED. (a) Except as provided by Subsection (e), a person may not be appointed as a county jailer, except on a

SECTION 15. Section 1701.310(a), Occupations Code, is amended to read as follows:

(a) Except as provided by Subsection (e), a person may not be appointed as a county jailer, except on a temporary basis, unless

temporary basis, unless the person has satisfactorily completed a preparatory training program which includes 24 hours of training to facilitate interaction with persons with mental impairments, as required by the commission, in the operation of a county jail at a school operated or licensed by the commission.

SECTION 4. Section 161.325, Health and Safety Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) The program on the list must include components that provide for training counselors, teachers, nurses, administrators, and other staff, as well as law enforcement officers and social workers who regularly interact with students, to recognize students displaying signs of physical or emotional trauma.

(1) intervene effectively with students described by this subdivision by providing notice and referral to a parent or guardian so appropriate action, such as seeking mental health or substance abuse services, may be taken by a parent or guardian.

SECTION 5. Section 161.325, Health and Safety Code, is amended by adding Subsections (c-3) and (c-4) to read as follows:

(See SECTION 4 above.)

the person has satisfactorily completed a preparatory training program, as required by the commission, in the operation of a county jail at a school operated or licensed by the commission. The preparatory training program must include not fewer than 24 hours of training on de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments.

No equivalent provision. *(But see Sec. 161.325(b) in SECTION 8 below.)*

SECTION 8. Section 161.325, Health and Safety Code, is amended by amending Subsection (b) and adding Subsections (c-3) and (c-4) to read as follows:

(b) The programs on the list must include components that provide for training counselors, teachers, nurses, administrators, and other staff, as well as law enforcement officers and social workers who regularly interact with students, to:

(1) recognize students at risk of committing suicide, including students who are or may be the victims of or who engage in bullying;

(2) recognize students displaying early warning signs and a possible need for early mental health or substance abuse intervention, which warning signs may include declining academic performance, depression, anxiety, isolation, unexplained changes in sleep or eating habits, and destructive behavior toward self and others; [and]

(3) recognize students displaying signs of

(c-3) Each school district shall report annually to the Texas Education Agency:

(1) the number of teachers, principals, and counselors employed by the district who have completed training under this section; and

(2) the total number of teachers, principals, and counselors employed by the district.

(c-4) The Texas Education Agency shall make the information reported under Subsection (c-3) available to the public on the agency's Internet website.

SECTION 6. Chapter 571, Health and Safety Code is amended by adding Articles 571.0161 to read as follows:

Sec. 571.0161. MENTAL HEALTH PUBLIC DEFENDER'S OFFICE. (a) A court may with permission of the commissioners court create a mental health public defender's office.

A mental health public defender of such office may be appointed by the court in lieu of a private attorney.

SECTION 7. The following provision of the Health and Safety Code are repealed:

(1) Article 571.014(d).

No equivalent provision.

physical or emotional trauma; and

(4) intervene effectively with students described by Subdivision (1), ~~(2)~~, or (3) by providing notice and referral to a parent or guardian so appropriate action, such as seeking mental health or substance abuse services, may be taken by a parent or guardian.

(c-3) Each school district shall report annually to the Texas Education Agency:

(1) the number of principals, teachers, and counselors employed by the district who have completed the training provided by the district under Subsection (c-1); and

(2) the total number of principals, teachers, and counselors employed by the district.

(c-4) The Texas Education Agency shall make available to the public on the agency's Internet website the information reported to the agency under Subsection (c-3).

SECTION 11. Chapter 571, Health and Safety Code, is amended by adding Sections 571.0168 and 571.0169 to read as follows:

Sec. 571.0168. MENTAL HEALTH PUBLIC DEFENDER OFFICE. A court, with the permission of the commissioners court of the county in which the court is located, may establish a mental health public defender office to provide proposed patients with legal representation provided by attorneys associated with that office.

Sec. 571.0169. REPRESENTATION OF PROPOSED PATIENT.

The court shall appoint an attorney associated with a mental health public defender office described by Section 571.0168, a public defender other than a mental health public defender, or a private attorney to represent a proposed patient in any proceeding under Chapter 574.

SECTION 16. Section 571.014(d), Health and Safety Code, is repealed.

SECTION 17. The changes in law made by this Act to Article 17.032, Code of Criminal Procedure, apply only to a personal bond that is executed on or after the effective date of this Act. A personal bond executed before the effective date of this Act is governed by the law in effect when the

personal bond was executed, and the former law is continued in effect for that purpose.

No equivalent provision.

SECTION 18. The Health and Human Services Commission shall adopt rules establishing the criteria for awarding a grant to counties to establish a family drug court under Section 122.006, Government Code, as added by this Act, not later than January 1, 2018.

No equivalent provision.

SECTION 19. Sections 32.0266(b) and (c), Human Resources Code, and Section 351.046(b), Local Government Code, as added by this Act, apply to an individual whose period of confinement in a county jail begins on or after the effective date of this Act, regardless of the date the individual was determined eligible for medical assistance under Chapter 32, Human Resources Code.

No equivalent provision.

SECTION 20. Section 32.0266(d), Human Resources Code, and Section 351.046(d), Local Government Code, as added by this Act, apply to the release or discharge of a prisoner from a county jail that occurs on or after the effective date of this Act, regardless of the date the prisoner was initially confined in the county jail.

No equivalent provision.

SECTION 21. If before implementing any provision of Section 32.0266, Human Resources Code, as added by this Act, or Section 351.046, Local Government Code, as added by this Act, a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

No equivalent provision.

SECTION 22. (a) Not later than January 1, 2018, the Texas Commission on Law Enforcement shall:
(1) establish or modify training programs as necessary to comply with Sections 1701.253 and 1701.310, Occupations Code, as

amended by this Act; and

(2) make available for county jailers appointed after September 1, 1979, who did not receive at least 24 hours of training on de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments during the preparatory training program required under Section 1701.310, Occupations Code, as amended by this Act, supplemental training that contains not fewer than 24 hours of training on de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments.

(b) Not later than September 1, 2019, each county jailer appointed after September 1, 1979, who did not receive at least 24 hours of training on de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments during the preparatory training program required under Section 1701.310, Occupations Code, as amended by this Act, must successfully complete supplemental training made available by the Texas Commission on Law Enforcement that contains not fewer than 24 hours of training on de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments.

SECTION 8. This Act takes effect September 1, 2017.

SECTION 23. Same as introduced version.