

## **BILL ANALYSIS**

Senate Research Center

S.B. 292  
By: Huffman et al.  
Health & Human Services  
6/2/2017  
Enrolled

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The 83rd Legislature passed S.B. 1155 (Huffman), which created the Harris County Mental Health Jail Diversion Pilot Program. Based on the successes of this program and similar diversion projects across the state, many entities have recommended that these types of programs be implemented statewide.

S.B. 292 creates a grant program for local collaborations with the goals of reducing recidivism, incarceration, and the frequency of arrests in the county jail among persons with mental illness. This will help the state by reducing the number of people with mental illness in county jails and thereby reducing the waiting time for a forensic commitment to a state hospital.

Local collaborations must include the county, the local mental health authority serving that county, and the hospital district located in the county (if present). This collaboration may also designate other local entities to join the collaboration.

Grants would be awarded to the 20 most populous counties according to formula funding based on cases of serious mental illness (SMI) in the county for household populations below 200 percent of federal poverty. State funds would be distributed on the condition that each local collaborative provides matching funds in a total amount at least equal to the awarded grant amount. Counties that do not meet the criteria for formula funding may apply to the commission to receive state funds, if available. (Original Author's / Sponsor's Statement of Intent)

S.B. 292 amends current law relating to the creation of grant programs to reduce recidivism, arrest, and incarceration of individuals with mental illness.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter B, Chapter 531, Government Code, by adding Section 531.0993, as follows:

Sec. 531.0993. GRANT PROGRAM TO REDUCE RECIDIVISM, ARREST, AND INCARCERATION AMONG INDIVIDUALS WITH MENTAL ILLNESS AND TO REDUCE WAIT TIME FOR FORENSIC COMMITMENT. (a) Requires the Health and Human Services Commission (HHSC) to establish a program to provide grants to county-based community collaboratives (collaboratives) for the purposes of reducing recidivism by, the frequency of arrests of, and incarceration of persons with mental illness; and the total waiting time for forensic commitment of persons with mental illness to a state hospital.

(b) Authorizes a collaborative to petition HHSC for a grant under the program only if the collaborative includes a county, a local mental health authority that operates in the county, and each hospital district, if any, located in the county.

Authorizes a collaborative to include other local entities designated by the collaborative's members.

(c) Requires HHSC to condition each grant provided to a collaborative under this section on the collaborative providing funds from non-state sources in a total amount at least equal to certain amounts.

(c-1) Authorizes a collaborative, to raise the required non-state sourced funds, to seek and receive gifts, grants, or donations from any person.

(c-2) Requires HHSC, beginning on or after September 1, 2018, from money appropriated to HHSC for each fiscal year to implement this section, to reserve at least 20 percent of that total to be awarded only as grants to a collaborative that includes a county with a population of less than 250,000.

(d) Requires a collaborative, for each state fiscal year for which the collaborative seeks a grant, to submit a petition to HHSC not later than the 30th day of that fiscal year. Requires that the collaborative include with a petition a statement indicating the amount of funds from non-state sources the collaborative is able to provide and a plan that is endorsed by each of the collaborative's member entities and contains certain information.

(e) Requires HHSC to review plans submitted with a petition under Subsection (d) before HHSC provides a grant under this section. Requires HHSC to fulfill the HHSC's requirements under this subsection not later than the 60th day of each fiscal year.

(f) Sets forth acceptable uses for the grant money and matching funds.

(f-1) Requires HHSC, beginning on or after September 1, 2018, to the extent money appropriated to HHSC for a fiscal year to implement this section remains available to HHSC after HHSC selects grant recipients for the fiscal year, to make grants available using the money remaining for the fiscal year through a competitive request for proposal process, without regard to the limitation provided by Subsection (c-2).

(g) Requires each collaborative that receives a grant, not later than the 90th day after the last day of the state fiscal year for which HHSC distributes a grant under this section, to prepare and submit a report describing the effect of the grant money and matching funds in achieving the standard defined by the outcome measures in the submitted plan.

(h) Authorizes HHSC to make inspections of the operation and provision of mental health services provided by a collaborative to ensure state money appropriated for the grant program is used effectively.

(i) Prohibits HHSC from awarding a grant under this section for a fiscal year to a collaborative that includes a county with a population greater than four million if the legislature appropriates money for a mental health jail diversion program in the county for that fiscal year.

(j) Authorizes HHSC, notwithstanding any other provision in this section, to award a grant under this section for the state fiscal year beginning on September 1, 2017, only to a collaborative that includes a county with a population of 250,000 or more. Provides that this subsection expires on August 31, 2018.

SECTION 2. Amends Subchapter B, Chapter 531, Government Code, by adding Section 531.09935, as follows:

Sec. 531.09935. GRANT PROGRAM TO REDUCE RECIDIVISM, ARREST, AND INCARCERATION AMONG INDIVIDUALS WITH MENTAL ILLNESS AND TO REDUCE WAIT TIME FOR FORENSIC COMMITMENT IN MOST POPULOUS COUNTY. (a) Requires HHSC to establish a program to provide a grant to a county-based collaborative in the most populous county in this state for the purposes of reducing recidivism by, the frequency of arrests of, and incarceration of persons with mental illness and the total waiting time for forensic commitment of persons with mental illness to a state hospital.

(b) Authorizes the collaborative to receive a grant under the program only if the collaborative includes the county, a local mental health authority that operates in the county, and each hospital district located in the county. Authorizes a collaborative to include other local entities designated by the collaborative's members.

(c) Requires HHSC, not later than the 30th day of each fiscal year, to make available to the collaborative established in the county described by Subsection (a) a grant in an amount equal to the lesser of the amount appropriated to HHSC for that fiscal year for a mental health jail diversion pilot program in that county or the collaborative's available matching funds.

(d) Requires HHSC to condition a grant provided to the collaborative under this section on the collaborative providing funds from non-state sources in a total amount at least equal to the grant amount.

(e) Authorizes the collaborative, to raise the required non-state sourced funds, to seek and receive gifts, grants, or donations from any person.

(f) Sets forth acceptable uses for the grant money and matching funds.

(g) Requires the collaborative, not later than the 90th day after the last day of the state fiscal year for which HHSC distributes a grant under this section, to prepare and submit a report describing the effect of the grant money and matching funds in fulfilling the purpose described by Subsection (a).

(h) Authorizes HHSC to make inspections of the operation and provision of mental health services provided by the collaborative to ensure state money appropriated for the grant program is used effectively.

SECTION 3. Effective date: September 1, 2017.