

By: Reynolds

H.B. No. 853

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 of 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 pilot 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 local mental health authority for Fort Bend County.

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

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

22 Sec. 580.009. REPORT. (a) Not later than December 1, 2020,
23 the commissioner shall evaluate and submit a report concerning the
24 effect of the pilot program in reducing recidivism and the
25 frequency of arrests and incarceration of persons with mental
26 illness in Fort Bend County to the governor, the lieutenant
27 governor, the speaker of the house of representatives, and the

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

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

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

18 Sec. 580.010. CONCLUSION; EXPIRATION. The pilot program
19 established under this chapter concludes and this chapter expires
20 September 1, 2021.

21 SECTION 2. This Act takes effect immediately if it receives
22 a vote of two-thirds of all the members elected to each house, as
23 provided by Section 39, Article III, Texas Constitution. If this
24 Act does not receive the vote necessary for immediate effect, this
25 Act takes effect September 1, 2017.