

BILL ANALYSIS

C.S.H.B. 4462
By: Meza
Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It has been suggested that policymakers need more information on the availability of legal representation and advocacy and legal services for persons with a mental or physical disability, as well as information on the barriers persons with disabilities face when accessing legal services. C.S.H.B. 4462 seeks to establish a task force to study these topics.

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. 4462 requires the executive commissioner of the Health and Human Services Commission (HHSC) to establish a seven-member task force to study access to legal services for persons with a mental or physical disability. The bill sets out provisions relating to the composition of the task force, the task force's presiding officer, and the frequency of task force meetings. The bill requires the task force to examine and make recommendations on the following with respect to persons with disabilities:

- the availability of legal representation;
- the availability of advocacy and legal services; and
- the barriers to accessing legal services.

C.S.H.B. 4462 requires the task force, not later than December 1, 2020, to develop and submit a written report of the study and recommendations to HHSC, the governor, the lieutenant governor, the speaker of the house of representatives, and each member of the legislature. The bill authorizes the task force to develop instructional and training materials for legal professionals and persons with disabilities relating to legal issues affecting such persons and to partner with or seek and accept assistance from voluntary organizations active in supporting persons with disabilities. The task force is abolished and the bill's provisions expire June 1, 2021.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 4462 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute requires the executive commissioner of HHSC to establish the task force and to designate a presiding officer. The substitute revises the task force's composition by:

- changing the number of members who are adults with disabilities or parents of children with disabilities and requiring those members to be appointed by the executive commissioner;
- not including a member appointed by the governor who serves as presiding officer; and
- including two members who represent Disability Rights Texas.

The substitute includes HHSC as a required recipient of the task force's report.