

## **BILL ANALYSIS**

C.S.S.B. 632  
By: Kolkhorst  
Public Health  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

There are concerns that local law enforcement officials find themselves at the nexus of mental health issues in the state and that law enforcement officials are required to conduct extensive screenings related to suicide and mental health issues without a full awareness of the mental health services offered by local mental health authorities. C.S.S.B. 632 seeks to promote cooperation with local law enforcement officials by setting out provisions relating to the composition of the governing bodies and the consultation policies of local mental health authorities with respect to sheriffs, their representatives, and local law enforcement agencies.

### **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.S.B. 632 amends the Health and Safety Code to require the governing body of a local mental health authority that has a governing body and serves only one county to include the sheriff of the county as an ex officio nonvoting member and to require the governing body of a local mental health authority that serves two or more counties to include two sheriffs as ex officio nonvoting members to be chosen in accordance with the bill's provisions. The bill sets out the required method for choosing those two sheriffs based on median population size of the applicable counties.

C.S.S.B. 632 requires a local authority that does not have a governing body to consult with the sheriff or a representative of the sheriff of the county or, for a local authority that serves two or more counties, to consult with a sheriff or representative of a county with a population above the median population size of those counties and with a sheriff or representative of a county with a population below the median population size regarding the use of funds received under a disbursement of federal and state funds for community mental health and intellectual disability services and chemical dependency services for persons who are dually diagnosed as having both chemical dependency and mental illness or an intellectual disability.

C.S.S.B. 632 authorizes a sheriff to designate a representative to serve in the sheriff's place as an ex officio nonvoting member. The bill establishes that the sheriff or sheriff's representative serves as an ex officio nonvoting member for the duration of the applicable sheriff's term in office. The bill prohibits a local mental health authority from barring or restricting a sheriff or

representative of a sheriff who serves as an ex officio nonvoting member from speaking or providing input at a meeting of the local authority's governing body.

C.S.S.B. 632 requires a local mental health authority, in developing the required local service area plan, to solicit information regarding community needs from local law enforcement agencies. The bill includes among the members of a board of trustees of a community center that provides mental health and intellectual disability services established by one local agency a sheriff or a representative of the sheriff of a county in the local authority's service area who is appointed by the local agency's governing body to serve as an ex officio nonvoting member. The bill establishes that the sheriff or representative is not included as a member of the board of trustees if a qualified voter appointed to the board of trustees is the sheriff of the only county in the region served by the community center. The bill requires the local agency's governing body, if a qualified voter appointed to a community center is a sheriff of a county in the region served by a community center and the region consists of more than one county, to appoint a sheriff or a sheriff's representative from a different county in the region.

C.S.S.B. 632 requires the board of trustees of a community center that provides mental health and intellectual disability services established by an organizational combination of local agencies to include the following to serve as an ex officio nonvoting member or members:

- if the region served by the community center consists of only one county, the sheriff of that county or a representative of the sheriff; or
- if the region consists of more than one county, sheriffs from at least two of the counties or representatives of the sheriffs.

C.S.S.B. 632 establishes that its provisions do not prevent a sheriff or sheriff's representative from being included in the governing body of a local mental health authority as a voting member of the body or on the applicable board of trustees of a community center as voting member of the board. The bill authorizes a sheriff or representative of a sheriff included in the governing body of a local mental health authority or on the board of trustees of a community center as a voting member before the bill's effective date to continue to serve as a voting member of the governing body or board of trustees after the bill's effective date.

### **EFFECTIVE DATE**

September 1, 2019.

### **COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE**

While C.S.S.B. 632 may differ from the engrossed in minor or nonsubstantive ways, the following summarizes the substantial differences between the engrossed and committee substitute versions of the bill.

The substitute, with respect to the required composition of a local mental health authority that has a governing body:

- does not include provisions that require the position of ex officio nonvoting member to rotate among sheriffs, with respect to a local mental health authority that has two or more counties in its service area; and
- includes provisions that require a local mental health authority that serves two or more counties to choose two sheriffs as ex officio nonvoting members and that establish the required method, based on median population size of the county, for making that choice.

The substitute includes a provision authorizing a sheriff to designate a representative to serve in the sheriff's place as an ex officio nonvoting member. The substitute includes a provision prohibiting a local mental health authority from barring or restricting a sheriff or representative

of a sheriff who serves as an ex officio nonvoting member from speaking or providing input at a meeting of the local authority's governing body.

The substitute, with respect to the required composition of a local mental health authority that does not have a governing body, revises the bill provision requiring the authority to consult with a sheriff or a representative of a sheriff of a county in the local authority's service area regarding the use of certain funds by including a provision, applicable to an authority that serves two or more counties, requiring an authority to consult with the sheriff, or the sheriff's representative, of the county with a population above the median population size and with the sheriff, or the sheriff's representative, of the county with a population below the median population size or sheriff's representative.