86R14255 SCL-D

By:  Johnson of Harris H.B. No. 3859

A BILL TO BE ENTITLED

AN ACT

relating to mental health assessment programs for certain municipal police and fire departments.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1.  Subchapter A, Chapter 142, Local Government Code, is amended by adding Section 142.015 to read as follows:

Sec. 142.015.  MENTAL HEALTH ASSESSMENT PROGRAM FOR POLICE AND FIRE DEPARTMENTS IN CERTAIN MUNICIPALITIES. (a) In this section, "program" means a mental health assessment program established under this section.

(b)  This section applies only to a municipality with a population of two million or more.

(c)  Each municipal police and fire department shall establish and operate a mental health assessment program in accordance with this section to provide a mental health assessment for police officers or firefighters involved in a critical incident.

(d)  A municipal police or fire department shall require a police officer or firefighter involved in a critical incident to participate in the program and receive a mental health assessment in accordance with this section not later than the 10th day after the date of the critical incident. The department shall adopt a written policy defining a critical incident that includes:

(1)  the discharge of a weapon that results in the death or serious injury of an individual; and

(2)  witnessing the death or serious injury of a police officer or firefighter while in the line of duty.

(e)  The program must provide a mental health assessment that is:

(1)  conducted by a licensed psychologist, licensed master social worker, or another licensed mental health care professional determined appropriate by the municipal police or fire department; and

(2)  evidence-based and includes a suicidal ideation evaluation.

(f)  A municipal police or fire department may not terminate or retaliate against a police officer or firefighter for participating in the program.

(g)  A mental health assessment provided under the program is confidential in accordance with Section 611.002, Health and Safety Code. A municipal police or fire department shall adopt a written policy that ensures a disclosure authorized by Section 611.004(a)(2), Health and Safety Code, does not result in the termination of or retaliation against the police officer or firefighter who is the subject of the disclosure. A mental health professional conducting the mental health assessment may notify the department of a scheduled assessment and the completion of the assessment for purposes of ensuring program participation.

SECTION 2.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.