By:  Kolkhorst, Creighton S.B. No. 632

A BILL TO BE ENTITLED

AN ACT

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.

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

SECTION 1.  Subchapter B, Chapter 533, Health and Safety Code, is amended by adding Section 533.0351 to read as follows:

Sec. 533.0351.  REQUIRED COMPOSITION OF LOCAL MENTAL HEALTH AUTHORITY GOVERNING BODY. (a)  If a local mental health authority has a governing body, the governing body must include as an ex officio nonvoting member a sheriff or a representative of a sheriff of a county in the local authority's service area. Except as provided by Subsection (b), the sheriff or representative described by this subsection serves as an ex officio member of the governing body for the duration of the sheriff's term in office.

(b)  If there are two or more counties in a local mental health authority's service area, the position of ex officio nonvoting member described by Subsection (a) must rotate among the sheriffs of those counties as determined by the local authority. A local mental health authority shall consider the recommendations of the sheriffs in the local authority's service area in making a determination under this subsection.

(c)  If a local mental health authority does not have a governing body, the local authority shall consult with a sheriff or a representative of a sheriff of a county in the local authority's service area regarding the use of the funds received under Section 533.035(b).

(d)  This section does not prevent a sheriff or representative of a sheriff from being included in the governing body of a local mental health authority as a voting member of the body.

SECTION 2.  Section 533.0352(d), Health and Safety Code, is amended to read as follows:

(d)  In developing the local service area plan, the local mental health authority shall:

(1)  solicit information regarding community needs from:

(A)  representatives of the local community;

(B)  consumers of community-based mental health services and members of the families of those consumers; [~~and~~]

(C)  local law enforcement agencies; and

(D)  other interested persons; and

(2)  consider:

(A)  criteria for assuring accountability for, cost-effectiveness of, and relative value of service delivery options;

(B)  goals to minimize the need for state hospital and community hospital care;

(C)  goals to divert consumers of services from the criminal justice system;

(D)  goals to ensure that a child with mental illness remains with the child's parent or guardian as appropriate to the child's care; and

(E)  opportunities for innovation in services and service delivery.

SECTION 3.  Section 534.002, Health and Safety Code, is amended to read as follows:

Sec. 534.002.  BOARD OF TRUSTEES FOR CENTER ESTABLISHED BY ONE LOCAL AGENCY. (a)  The board of trustees of a community center established by one local agency is composed of:

(1)  the members of the local agency's governing body; [~~or~~]

(2)  not fewer than five or more than nine qualified voters who reside in the region to be served by the center and who are appointed by the local agency's governing body; and

(3)  a sheriff or a representative of a sheriff of a county in the region served by the community center who is appointed by the local agency's governing body to serve as an ex officio nonvoting member.

(b)  If a qualified voter appointed to a community center under Subsection (a)(2) is the sheriff of the only county in the region served by a community center, Subsection (a)(3) does not apply.

(c)  If a qualified voter appointed to a community center under Subsection (a)(2) is a sheriff of a county in the region served by a community center and the region served by the community center consists of more than one county, under Subsection (a)(3) the local agency's governing body shall appoint a sheriff or a representative of a sheriff from a different county in the region served by the community center.

(d)  Subsection (a)(3) does not prevent a sheriff or representative of a sheriff from being included on the board of trustees of a community center as a voting member of the board.

SECTION 4.  Section 534.003, Health and Safety Code, is amended by amending Subsection (a) and adding Subsections (a-1) and (a-2) to read as follows:

(a)  Except as provided by Subsection (a-1), the [~~The~~] board of trustees of a community center established by an organizational combination of local agencies is composed of not fewer than five or more than 13 members.

(a-1)  In addition to the members described by Subsection (a), the board of trustees of a community center must include:

(1)  if the region served by the community center consists of only one county, the sheriff of that county or a representative of the sheriff to serve as an ex officio nonvoting member; or

(2)  if the region served by the community center consists of more than one county, sheriffs from at least two of the counties in the region served by the community center or representatives of the sheriffs to serve as ex officio nonvoting members.

(a-2)  Subsection (a-1) does not prevent a sheriff or representative of a sheriff from being included on the board of trustees of a community center as a voting member of the board.

SECTION 5.  If the governing body of a local mental health authority established under Chapter 533, Health and Safety Code, or the board of trustees of a community center established under Chapter 534, Health and Safety Code, includes a sheriff or representative of a sheriff as a voting member of the governing body or board of trustees before the effective date of this Act, the sheriff or representative of the sheriff may continue to serve as a voting member of the governing body or board of trustees after the effective date of this Act.

SECTION 6.  This Act takes effect September 1, 2019.