S.B. No. 632

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:

(1)  for a local authority that serves only one county, the sheriff of the county as an ex officio nonvoting member; and

(2)  for a local authority that serves two or more counties, two sheriffs chosen in accordance with Subsection (b) as ex officio nonvoting members.

(b)  A local mental health authority that serves two or more counties shall take the median population size of each of those counties and choose:

(1)  one sheriff of a county with a population above the median population size to serve as an ex officio nonvoting member under Subsection (a); and

(2)  one sheriff of a county with a population below the median population size to serve as an ex officio nonvoting member under Subsection (a).

(c)  A sheriff may designate a representative to serve in the sheriff's place as an ex officio nonvoting member under Subsection (a). Except as provided by Subsection (c-1), a sheriff or representative of the sheriff serves as an ex officio nonvoting member under Subsection (a) for the duration of the applicable sheriff's term in office.

(c-1)  A local mental health authority may rotate the positions of ex officio nonvoting members as chosen in accordance with Subsection (b) among the other sheriffs of the counties served by the local authority. A local authority shall consult with each sheriff of the counties served by the local authority in rotating the positions of ex officio nonvoting members under this subsection.

(d)  A local mental health authority may not bar or restrict a sheriff or representative of a sheriff who serves as an ex officio nonvoting member under Subsection (a) from speaking or providing input at a meeting of the local authority's governing body.

(e)  If a local mental health authority does not have a governing body, the local authority shall:

(1)  for a local authority that serves only one county, consult with the sheriff of the county or a representative of the sheriff regarding the use of funds received under Section 533.035(b); or

(2)  for a local authority that serves two or more counties, take the median population size of each of those counties and consult with both:

(A)  a sheriff or a representative of a sheriff of a county with a population above the median population size regarding the use of funds received under Section 533.035(b); and

(B)  a sheriff or a representative of a sheriff of a county with a population below the median population size regarding the use of funds received under Section 533.035(b).

(f)  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.

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I hereby certify that S.B. No. 632 passed the Senate on March 26, 2019, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendments on May 23, 2019, by the following vote: Yeas 31, Nays 0.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_    Secretary of the Senate

I hereby certify that S.B. No. 632 passed the House, with amendments, on May 21, 2019, by the following vote: Yeas 140, Nays 1, two present not voting.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_    Chief Clerk of the House

Approved:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_             Date\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_           Governor