

By: Reynolds, Zerwas, Miller, Stephenson

H.B. No. 3620

A BILL TO BE ENTITLED

AN ACT

relating to the creation of a mental health treatment for incarceration diversion pilot program.

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

SECTION 1. Subtitle C, Title 7, Health and Safety Code, is amended by adding Chapter 580 to read as follows:

CHAPTER 580. MENTAL HEALTH TREATMENT FOR INCARCERATION DIVERSION
PILOT PROGRAM; FORT BEND COUNTY

Sec. 580.001. DEFINITIONS. In this chapter:

(1) "Commission" means the Health and Human Services Commission.

(2) "Commissioners court" means the Fort Bend County Commissioners Court.

Sec. 580.002. MENTAL HEALTH TREATMENT FOR INCARCERATION DIVERSION PILOT PROGRAM. The commission, in cooperation with the commissioners court, shall establish a pilot program in Fort Bend County to be implemented by the commissioners court for the purpose of reducing recidivism and the frequency of arrests and incarceration of persons with mental illness in that county.

Sec. 580.003. CRIMINAL JUSTICE MENTAL HEALTH SERVICE MODEL. The commissioners court shall design and test through the pilot program a criminal justice mental health service model oriented toward facilitating treatment for persons with mental illness to reduce the recidivism and frequency of arrests and incarceration of

1 persons with mental illness in Fort Bend County. The model
2 initially must apply the critical time intervention principle
3 described by Section 580.004 and must include the following
4 elements:

5 (1) caseload management;

6 (2) multilevel residential services; and

7 (3) easy access to:

8 (A) integrated health, mental health, and
9 chemical dependency services;

10 (B) benefits acquisition services; and

11 (C) multiple rehabilitation services.

12 Sec. 580.004. CRITICAL TIME INTERVENTION. The
13 commissioners court, in applying the critical time intervention
14 principle through the pilot program, shall endeavor to give persons
15 with mental illness access to available social, clinical, housing,
16 and welfare services during the first weeks after the person's
17 release from jail.

18 Sec. 580.005. LOCAL SERVICES COORDINATION. In designing
19 the criminal justice mental health service model, the commissioners
20 court shall seek input from and coordinate the provision of
21 services with the following local entities:

22 (1) the Fort Bend County Sheriff's Office;

23 (2) the mental health division of the office of the
24 district attorney of Fort Bend County;

25 (3) the Fort Bend County Mental Health Public
26 Defender's Office;

27 (4) mental health courts;

- 1 (5) specially trained law enforcement crisis
2 intervention teams and crisis intervention response teams;
3 (6) providers of competency restoration services;
4 (7) providers of guardianship services;
5 (8) providers of forensic case management;
6 (9) providers of assertive community treatment;
7 (10) providers of crisis stabilization services;
8 (11) providers of intensive and general supportive
9 housing; and
10 (12) providers of integrated mental health and
11 substance abuse inpatient, outpatient, and rehabilitation
12 services.

13 Sec. 580.006. PROGRAM CAPACITY. (a) In implementing the
14 pilot program, the commissioners court shall ensure the program has
15 the resources to provide mental health treatment for incarceration
16 diversion services to not fewer than 10 individuals.

17 (b) The commissioners court shall endeavor to serve each
18 year the pilot program operates not fewer than 10 or more than 20
19 individuals cumulatively.

20 (c) Before the commissioners court implements the pilot
21 program, the commission and the commissioners court jointly shall
22 establish clear criteria for identifying a target population to be
23 served by the program. The criteria must prioritize serving a
24 target population composed of members at high risk of recidivism
25 and with severe mental illness. The commissioners court, in
26 consultation with the appropriate entities listed in Section
27 580.005, may adjust the criteria established under this subsection

1 during the operation of the program provided the adjusted criteria
2 are clearly articulated.

3 Sec. 580.007. FINANCING THE PROGRAM. (a) The creation of
4 the pilot program under this chapter is contingent on the
5 continuing agreement of the commissioners court to contribute to
6 the program each year in which the program operates services for
7 persons with mental illness equivalent in value to funding provided
8 by the state for the program.

9 (b) It is the intent of the legislature that appropriations
10 made to fund the pilot program are made in addition to and will not
11 reduce the amount of appropriations made in the regular funding of
12 the local mental health authority for Fort Bend County.

13 (c) The commissioners court may seek and receive gifts and
14 grants from federal sources, foundations, individuals, and other
15 sources for the benefit of the pilot program.

16 Sec. 580.008. INSPECTIONS. The commission may make
17 inspections of the operation of and provision of mental health
18 treatment for incarceration diversion services through the pilot
19 program on behalf of the state to ensure state funds appropriated
20 for the program are used effectively.

21 Sec. 580.009. REPORT. (a) Not later than December 1, 2020,
22 the executive commissioner shall evaluate and submit a report
23 concerning the effect of the pilot program in reducing recidivism
24 and the frequency of arrests and incarceration of persons with
25 mental illness in Fort Bend County to the governor, the lieutenant
26 governor, the speaker of the house of representatives, and the
27 presiding officers of the standing committees of the senate and

1 house of representatives having primary jurisdiction over health
2 and human services issues and over criminal justice issues.

3 (b) The report must include a description of the features of
4 the criminal justice mental health service model designed and
5 tested under the pilot program and the executive commissioner's
6 recommendation whether to expand use of the model statewide.

7 (c) In conducting the evaluation required under Subsection
8 (a), the executive commissioner shall compare the rate of
9 recidivism in Fort Bend County among persons in the target
10 population before the date the pilot program is implemented in the
11 community to the rate of recidivism among those persons two years
12 after the date the program is implemented in the community and three
13 years after the date the program is implemented in the community.
14 The executive commissioner may include in the evaluation measures
15 of the effectiveness of the program related to the well-being of
16 persons served under the program.

17 Sec. 580.010. CONCLUSION; EXPIRATION. The pilot program
18 established under this chapter concludes and this chapter expires
19 September 1, 2021.

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