

By: Johnson of Harris, Thompson of Harris,
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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

1 or serious injury of an individual; and

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

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

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

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

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

15 (g) A mental health assessment provided under the program is
16 confidential in accordance with Section 611.002, Health and Safety
17 Code. A municipal police or fire department shall adopt a written
18 policy that ensures a disclosure authorized by Section
19 611.004(a)(2), Health and Safety Code, does not result in the
20 termination of or retaliation against the police officer or
21 firefighter who is the subject of the disclosure. A mental health
22 professional conducting the mental health assessment may notify the
23 department of a scheduled assessment and the completion of the
24 assessment for purposes of ensuring program participation.

25 SECTION 2. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

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1 Act does not receive the vote necessary for immediate effect, this

2 Act takes effect September 1, 2019.