

By: Coleman

H.B. No. 4468

Substitute the following for H.B. No. 4468:

By: Stickland

C.S.H.B. No. 4468

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to county jails and community mental health programs in  
3 certain counties.

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

5 SECTION 1. Section 511.009(a)(23)(A), Government Code, is  
6 amended to read as follows:

7 (A) give prisoners the ability to access a mental  
8 health professional at the jail or through a telemental health  
9 service 24 hours a day or, if a mental health professional is not at  
10 the county jail at the time, then require the jail to use all  
11 reasonable efforts to arrange for the inmate to have access to a  
12 mental health professional within a reasonable time;

13 SECTION 2. Section 511.011, Government Code, is amended to  
14 read as follows:

15 Sec. 511.011. REPORT ON NONCOMPLIANCE. (a) If the  
16 commission finds that a county jail does not comply with state law,  
17 including Chapter 89, Health and Safety Code, or the rules,  
18 standards, or procedures of the commission, it shall report the  
19 noncompliance to the county commissioners and sheriff of the county  
20 responsible for the county jail and shall send a copy of the report  
21 to the governor.

22 (b) If a notice of non-compliance is issued to a facility  
23 operated by a private entity under the provisions of Local  
24 Government Code 351.101 or 361.061, the compliance status of the

1 facility shall be reviewed at the next meeting of the Commission on  
2 Jail Standards.

3 SECTION 3. Chapter 511.019(d), Government Code, is amended  
4 to read as follows:

5 (d) The commission by rule may establish a grant program to  
6 provide grants to counties to fund capital improvements described  
7 by Subsection (c). The commission may only provide a grant to a  
8 county for capital improvements to a county jail with a capacity of  
9 not more than 288 [~~96~~] prisoners.

10 SECTION 4. Section 539.002, Government Code, is amended by  
11 amending Subsection (b) and adding Subsection (c) to read as  
12 follows:

13 (b) Except as provided by Subsection (c), the [~~The~~]  
14 department shall require each entity awarded a grant under this  
15 section to:

16 (1) leverage additional funding or in-kind  
17 contributions from private sources in an amount that is at least  
18 equal to the amount of the grant awarded under this section;

19 (2) provide evidence of significant coordination and  
20 collaboration between the entity, local mental health authorities,  
21 municipalities, local law enforcement agencies, and other  
22 community stakeholders in establishing or expanding a community  
23 collaborative funded by a grant awarded under this section; and

24 (3) provide evidence of a local law enforcement policy  
25 to divert appropriate persons from jails or other detention  
26 facilities to an entity affiliated with a community collaborative  
27 for the purpose of providing services to those persons.

1        (c) The department may award a grant under this chapter to  
2 an entity for the purpose of establishing a community mental health  
3 program in a county with a population of less than 250,000, if the  
4 entity leverages additional funding from private sources in an  
5 amount equal to one-quarter of the amount of the grant to be awarded  
6 under this section, and the entity otherwise meets the requirements  
7 of Subsections (b)(2) and (3).

8        SECTION 5. Section 1701.310(b), Occupations Code, is  
9 amended to read as follows:

10        (b) A county jailer appointed on a temporary basis who does  
11 not satisfactorily complete the preparatory training program  
12 before the first anniversary of the date that the person is  
13 appointed shall be removed from the position. A county jailer  
14 appointed on a temporary basis shall be enrolled in the preparatory  
15 training program on or before the 90th day after their temporary  
16 appointment. A temporary appointment may not be renewed~~[, except~~  
17 ~~that not earlier than the first anniversary of the date that a~~  
18 ~~person is removed under this subsection, the sheriff may petition~~  
19 ~~the commission for reinstatement of the person to a temporary~~  
20 ~~appointment].~~

21        SECTION 6. Section 1701.310(f), Occupations Code, is added  
22 to read as follows:

23        (f) a county jailer appointed on a temporary basis may not  
24 be promoted to a supervisory position in a county jail.

25        SECTION 7. Not later than January 1, 2020, the Commission on  
26 Jail Standards shall update rules and procedures as necessary to  
27 comply with Section 511.009(a)(23), Government Code, as amended by

1 this Act.

2 SECTION 8. This Act takes effect September 1, 2019.