

By: Menéndez

S.B. No. 105

A BILL TO BE ENTITLED

AN ACT

relating to the creation of a mental health jail diversion and crisis stabilization unit 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 JAIL DIVERSION AND CRISIS STABILIZATION UNIT PILOT PROGRAM; BEXAR COUNTY

Sec. 580.001. DEFINITIONS. In this chapter:

(1) "Commissioner" means the commissioner of state health services.

(2) "County judge" means the county judge of Bexar County.

(3) "Department" means the Department of State Health Services.

Sec. 580.002. MENTAL HEALTH JAIL DIVERSION AND CRISIS STABILIZATION UNIT PILOT PROGRAM. The department, in cooperation with the county judge, shall establish a pilot program in Bexar County to be implemented by the county judge to:

(1) provide short-term residential treatment in a crisis stabilization unit that includes medical and nursing services for persons with mental illness who are incarcerated in that county; and

(2) reduce recidivism and the frequency of arrests and

1 incarceration among persons with mental illness in that county.

2 Sec. 580.003. CRIMINAL JUSTICE MENTAL HEALTH SERVICE MODEL.

3 The county judge shall design and test through the pilot program a
4 criminal justice mental health service model oriented toward
5 providing short-term residential treatment in a crisis
6 stabilization unit that includes medical and nursing services and
7 reducing the recidivism and frequency of arrests and incarceration
8 of persons with mental illness in the Bexar County jail. The model
9 initially must apply the critical time intervention principle
10 described by Section 580.004 and must include the following
11 elements:

12 (1) medical and nursing services;

13 (2) low caseload management;

14 (3) multilevel residential services; and

15 (4) easy access to:

16 (A) integrated health, mental health, and
17 chemical dependency services;

18 (B) benefits acquisition services; and

19 (C) multiple rehabilitation services.

20 Sec. 580.004. CRITICAL TIME INTERVENTION. The pilot
21 program, in applying the critical time intervention principle, must
22 give persons with mental illness access to available social,
23 clinical, housing, and welfare services during the first weeks
24 after the person's release from jail.

25 Sec. 580.005. LOCAL SERVICES COORDINATION. In designing
26 the criminal justice mental health service model, the county judge
27 shall seek input from and coordinate the provision of services with

1 the following local entities:

2 (1) county or municipal law enforcement agencies;

3 (2) the mental health division of the office of the
4 district attorney of Bexar County;

5 (3) the Bexar County public defender;

6 (4) mental health courts;

7 (5) specially trained law enforcement crisis
8 intervention teams and crisis intervention response teams;

9 (6) providers of competency restoration services;

10 (7) providers of guardianship services;

11 (8) providers of forensic case management;

12 (9) providers of assertive community treatment;

13 (10) providers of crisis stabilization services;

14 (11) providers of intensive and general supportive
15 housing; and

16 (12) providers of integrated mental health and
17 substance abuse inpatient, outpatient, and rehabilitation
18 services.

19 Sec. 580.006. PROGRAM CAPACITY. (a) In implementing the
20 pilot program, the county judge shall ensure the program has the
21 resources to provide mental health jail diversion services to not
22 fewer than 400 individuals.

23 (b) The county judge shall endeavor to serve each year the
24 program operates not fewer than 400 or more than 600 individuals
25 cumulatively.

26 (c) Before the county judge implements the pilot program,
27 the department and the county judge jointly shall establish clear

1 criteria for identifying a target population to be served by the
2 program. The criteria must prioritize serving a target population
3 composed of members with the highest risks of recidivism and the
4 most severe mental illnesses. The county judge, in consultation
5 with the appropriate entities listed in Section 580.005, may adjust
6 the criteria established under this subsection during the operation
7 of the program provided the adjusted criteria are clearly
8 articulated.

9 Sec. 580.007. FINANCING THE PROGRAM. (a) The creation of
10 the pilot program under this chapter is contingent on the
11 continuing agreement of the Commissioners Court of Bexar County to
12 contribute to the program each year in which the program operates
13 services for persons with mental illness equivalent in value to
14 funding provided by the state for the program.

15 (b) It is the intent of the legislature that appropriations
16 made to pay for the pilot program are made in addition to and will
17 not reduce the amount of appropriations made in the regular funding
18 of a local authority for intellectual and developmental
19 disabilities or a local mental health authority that serves Bexar
20 County.

21 (c) The Commissioners Court of Bexar County may seek and
22 receive gifts and grants from federal sources, foundations,
23 individuals, and other sources for the benefit of the pilot
24 program.

25 Sec. 580.008. INSPECTIONS. The department may make
26 inspections of the operation of and provision of mental health jail
27 diversion services through the pilot program on behalf of the state

1 to ensure state money appropriated for the pilot program is used
2 effectively.

3 Sec. 580.009. REPORT. (a) Not later than December 1, 2022,
4 the commissioner shall evaluate and submit a report concerning the
5 effect of the pilot program in providing short-term residential
6 treatment in a crisis stabilization unit that includes medical and
7 nursing services and reducing recidivism and the frequency of
8 arrests and incarceration among persons with mental illness in
9 Bexar County to the governor, the lieutenant governor, the speaker
10 of the house of representatives, and the presiding officers of the
11 standing committees of the senate and house of representatives
12 having primary jurisdiction over health and human services issues
13 and over criminal justice issues.

14 (b) The report must include a description of the features of
15 the criminal justice mental health service model developed and
16 tested under the pilot program and the commissioner's
17 recommendation whether to expand use of the model statewide.

18 (c) In conducting the evaluation required under Subsection
19 (a), the commissioner shall compare the rate of recidivism in Bexar
20 County among persons in the target population before the date the
21 program is implemented in the community to the rate of recidivism
22 among those persons two years after the date the program is
23 implemented in the community and three years after the date the
24 program is implemented in the community. The commissioner may
25 include in the evaluation measures of the effectiveness of the
26 program related to the well-being of persons served under the
27 program.

1 Sec. 580.010. CONCLUSION; EXPIRATION. The pilot program
2 established under this chapter concludes and this chapter expires
3 September 1, 2023.

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