

By: Kolkhorst, Creighton

S.B. No. 632

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the composition of the governing bodies and the
3 consultation policies of local mental health authorities with
4 respect to sheriffs, their representatives, and local law
5 enforcement agencies.

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

7 SECTION 1. Subchapter B, Chapter 533, Health and Safety
8 Code, is amended by adding Section 533.0351 to read as follows:

9 Sec. 533.0351. REQUIRED COMPOSITION OF LOCAL MENTAL HEALTH
10 AUTHORITY GOVERNING BODY. (a) If a local mental health authority
11 has a governing body, the governing body must include as an ex
12 officio nonvoting member a sheriff or a representative of a sheriff
13 of a county in the local authority's service area. Except as
14 provided by Subsection (b), the sheriff or representative described
15 by this subsection serves as an ex officio member of the governing
16 body for the duration of the sheriff's term in office.

17 (b) If there are two or more counties in a local mental
18 health authority's service area, the position of ex officio
19 nonvoting member described by Subsection (a) must rotate among the
20 sheriffs of those counties as determined by the local authority. A
21 local mental health authority shall consider the recommendations of
22 the sheriffs in the local authority's service area in making a
23 determination under this subsection.

24 (c) If a local mental health authority does not have a

1 governing body, the local authority shall consult with a sheriff or
2 a representative of a sheriff of a county in the local authority's
3 service area regarding the use of the funds received under Section
4 533.035(b).

5 (d) This section does not prevent a sheriff or
6 representative of a sheriff from being included in the governing
7 body of a local mental health authority as a voting member of the
8 body.

9 SECTION 2. Section 533.0352(d), Health and Safety Code, is
10 amended to read as follows:

11 (d) In developing the local service area plan, the local
12 mental health authority shall:

13 (1) solicit information regarding community needs
14 from:

15 (A) representatives of the local community;

16 (B) consumers of community-based mental health
17 services and members of the families of those consumers; ~~and~~

18 (C) local law enforcement agencies; and

19 (D) other interested persons; and

20 (2) consider:

21 (A) criteria for assuring accountability for,
22 cost-effectiveness of, and relative value of service delivery
23 options;

24 (B) goals to minimize the need for state hospital
25 and community hospital care;

26 (C) goals to divert consumers of services from
27 the criminal justice system;

1 (D) goals to ensure that a child with mental
2 illness remains with the child's parent or guardian as appropriate
3 to the child's care; and

4 (E) opportunities for innovation in services and
5 service delivery.

6 SECTION 3. Section 534.002, Health and Safety Code, is
7 amended to read as follows:

8 Sec. 534.002. BOARD OF TRUSTEES FOR CENTER ESTABLISHED BY
9 ONE LOCAL AGENCY. (a) The board of trustees of a community center
10 established by one local agency is composed of:

11 (1) the members of the local agency's governing body;
12 [~~or~~]

13 (2) not fewer than five or more than nine qualified
14 voters who reside in the region to be served by the center and who
15 are appointed by the local agency's governing body; and

16 (3) a sheriff or a representative of a sheriff of a
17 county in the region served by the community center who is appointed
18 by the local agency's governing body to serve as an ex officio
19 nonvoting member.

20 (b) If a qualified voter appointed to a community center
21 under Subsection (a)(2) is the sheriff of the only county in the
22 region served by a community center, Subsection (a)(3) does not
23 apply.

24 (c) If a qualified voter appointed to a community center
25 under Subsection (a)(2) is a sheriff of a county in the region
26 served by a community center and the region served by the community
27 center consists of more than one county, under Subsection (a)(3)

1 the local agency's governing body shall appoint a sheriff or a
2 representative of a sheriff from a different county in the region
3 served by the community center.

4 (d) Subsection (a)(3) does not prevent a sheriff or
5 representative of a sheriff from being included on the board of
6 trustees of a community center as a voting member of the board.

7 SECTION 4. Section 534.003, Health and Safety Code, is
8 amended by amending Subsection (a) and adding Subsections (a-1) and
9 (a-2) to read as follows:

10 (a) Except as provided by Subsection (a-1), the [The] board
11 of trustees of a community center established by an organizational
12 combination of local agencies is composed of not fewer than five or
13 more than 13 members.

14 (a-1) In addition to the members described by Subsection
15 (a), the board of trustees of a community center must include:

16 (1) if the region served by the community center
17 consists of only one county, the sheriff of that county or a
18 representative of the sheriff to serve as an ex officio nonvoting
19 member; or

20 (2) if the region served by the community center
21 consists of more than one county, sheriffs from at least two of the
22 counties in the region served by the community center or
23 representatives of the sheriffs to serve as ex officio nonvoting
24 members.

25 (a-2) Subsection (a-1) does not prevent a sheriff or
26 representative of a sheriff from being included on the board of
27 trustees of a community center as a voting member of the board.

1 SECTION 5. If the governing body of a local mental health
2 authority established under Chapter 533, Health and Safety Code, or
3 the board of trustees of a community center established under
4 Chapter 534, Health and Safety Code, includes a sheriff or
5 representative of a sheriff as a voting member of the governing body
6 or board of trustees before the effective date of this Act, the
7 sheriff or representative of the sheriff may continue to serve as a
8 voting member of the governing body or board of trustees after the
9 effective date of this Act.

10 SECTION 6. This Act takes effect September 1, 2019.