

AN ACT

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

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

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

Sec. 533.0351. REQUIRED COMPOSITION OF LOCAL MENTAL HEALTH AUTHORITY GOVERNING BODY. (a) If a local mental health authority has a governing body, the governing body must include:

(1) for a local authority that serves only one county, the sheriff of the county as an ex officio nonvoting member; and

(2) for a local authority that serves two or more counties, two sheriffs chosen in accordance with Subsection (b) as ex officio nonvoting members.

(b) A local mental health authority that serves two or more counties shall take the median population size of each of those counties and choose:

(1) one sheriff of a county with a population above the median population size to serve as an ex officio nonvoting member under Subsection (a); and

(2) one sheriff of a county with a population below the median population size to serve as an ex officio nonvoting member

1 under Subsection (a).

2 (c) A sheriff may designate a representative to serve in the  
3 sheriff's place as an ex officio nonvoting member under Subsection  
4 (a). Except as provided by Subsection (c-1), a sheriff or  
5 representative of the sheriff serves as an ex officio nonvoting  
6 member under Subsection (a) for the duration of the applicable  
7 sheriff's term in office.

8 (c-1) A local mental health authority may rotate the  
9 positions of ex officio nonvoting members as chosen in accordance  
10 with Subsection (b) among the other sheriffs of the counties served  
11 by the local authority. A local authority shall consult with each  
12 sheriff of the counties served by the local authority in rotating  
13 the positions of ex officio nonvoting members under this  
14 subsection.

15 (d) A local mental health authority may not bar or restrict  
16 a sheriff or representative of a sheriff who serves as an ex officio  
17 nonvoting member under Subsection (a) from speaking or providing  
18 input at a meeting of the local authority's governing body.

19 (e) If a local mental health authority does not have a  
20 governing body, the local authority shall:

21 (1) for a local authority that serves only one county,  
22 consult with the sheriff of the county or a representative of the  
23 sheriff regarding the use of funds received under Section  
24 533.035(b); or

25 (2) for a local authority that serves two or more  
26 counties, take the median population size of each of those counties  
27 and consult with both:

1           (A) a sheriff or a representative of a sheriff of  
2 a county with a population above the median population size  
3 regarding the use of funds received under Section 533.035(b); and

4           (B) a sheriff or a representative of a sheriff of  
5 a county with a population below the median population size  
6 regarding the use of funds received under Section 533.035(b).

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

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

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

15                   (1) solicit information regarding community needs  
16 from:

17                           (A) representatives of the local community;

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

20                           (C) local law enforcement agencies; and

21                           (D) other interested persons; and

22                   (2) consider:

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

26                           (B) goals to minimize the need for state hospital  
27 and community hospital care;

1 (C) goals to divert consumers of services from  
2 the criminal justice system;

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

6 (E) opportunities for innovation in services and  
7 service delivery.

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

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

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

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

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

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

26 (c) If a qualified voter appointed to a community center  
27 under Subsection (a)(2) is a sheriff of a county in the region

1 served by a community center and the region served by the community  
2 center consists of more than one county, under Subsection (a)(3)  
3 the local agency's governing body shall appoint a sheriff or a  
4 representative of a sheriff from a different county in the region  
5 served by the community center.

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

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

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

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

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

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

27 (a-2) Subsection (a-1) does not prevent a sheriff or

1 representative of a sheriff from being included on the board of  
2 trustees of a community center as a voting member of the board.

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

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

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 632 passed the Senate on March 26, 2019, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendments on May 23, 2019, by the following vote: Yeas 31, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 632 passed the House, with amendments, on May 21, 2019, by the following vote: Yeas 140, Nays 1, two present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor