

By: Kolkhorst, et al.
(Price)

S.B. No. 632

Substitute the following for S.B. No. 632:

By: Price

C.S.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:

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

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

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

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

23 (2) one sheriff of a county with a population below the
24 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). A sheriff or representative of the sheriff serves as an ex
5 officio nonvoting member under Subsection (a) for the duration of
6 the applicable sheriff's term in office.

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

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

13 (1) for a local authority that serves only one county,
14 consult with the sheriff of the county or a representative of the
15 sheriff regarding the use of funds received under Section
16 533.035(b); or

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

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

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

26 (f) This section does not prevent a sheriff or
27 representative of a sheriff from being included in the governing

1 body of a local mental health authority as a voting member of the
2 body.

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

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

7 (1) solicit information regarding community needs
8 from:

9 (A) representatives of the local community;

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

12 (C) local law enforcement agencies; and

13 (D) other interested persons; and

14 (2) consider:

15 (A) criteria for assuring accountability for,
16 cost-effectiveness of, and relative value of service delivery
17 options;

18 (B) goals to minimize the need for state hospital
19 and community hospital care;

20 (C) goals to divert consumers of services from
21 the criminal justice system;

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

25 (E) opportunities for innovation in services and
26 service delivery.

27 SECTION 3. Section 534.002, Health and Safety Code, is

1 amended to read as follows:

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

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

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

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

14 (b) If a qualified voter appointed to a community center
15 under Subsection (a)(2) is the sheriff of the only county in the
16 region served by a community center, Subsection (a)(3) does not
17 apply.

18 (c) If a qualified voter appointed to a community center
19 under Subsection (a)(2) is a sheriff of a county in the region
20 served by a community center and the region served by the community
21 center consists of more than one county, under Subsection (a)(3)
22 the local agency's governing body shall appoint a sheriff or a
23 representative of a sheriff from a different county in the region
24 served by the community center.

25 (d) Subsection (a)(3) 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 4. Section 534.003, Health and Safety Code, is
2 amended by amending Subsection (a) and adding Subsections (a-1) and
3 (a-2) to read as follows:

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

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

10 (1) if the region served by the community center
11 consists of only one county, the sheriff of that county or a
12 representative of the sheriff to serve as an ex officio nonvoting
13 member; or

14 (2) if the region served by the community center
15 consists of more than one county, sheriffs from at least two of the
16 counties in the region served by the community center or
17 representatives of the sheriffs to serve as ex officio nonvoting
18 members.

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

22 SECTION 5. If the governing body of a local mental health
23 authority established under Chapter 533, Health and Safety Code, or
24 the board of trustees of a community center established under
25 Chapter 534, Health and Safety Code, includes a sheriff or
26 representative of a sheriff as a voting member of the governing body
27 or board of trustees before the effective date of this Act, the

1 sheriff or representative of the sheriff may continue to serve as a
2 voting member of the governing body or board of trustees after the
3 effective date of this Act.

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