

By: Reynolds

H.B. No. 78

A BILL TO BE ENTITLED

AN ACT

relating to the creation of a mental health treatment for incarceration diversion 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 579 to read as follows:

CHAPTER 579. MENTAL HEALTH TREATMENT FOR INCARCERATION DIVERSION  
PILOT PROGRAM; FORT BEND COUNTY

Sec. 579.001. DEFINITIONS. In this chapter:

(1) "Commission" means the Health and Human Services Commission.

(2) "Commissioners court" means the Fort Bend County Commissioners Court.

Sec. 579.002. MENTAL HEALTH TREATMENT FOR INCARCERATION DIVERSION PILOT PROGRAM. The commission, in cooperation with the commissioners court, shall establish a pilot program in Fort Bend County to be implemented by the commissioners court for the purpose of reducing recidivism and the frequency of arrests and incarceration of persons with mental illness in that county.

Sec. 579.003. CRIMINAL JUSTICE MENTAL HEALTH SERVICE MODEL. The commissioners court shall design and test through the pilot program a criminal justice mental health service model oriented toward facilitating treatment for persons with mental illness to reduce recidivism and the frequency of arrests and incarceration of

1 persons with mental illness in Fort Bend County. The model  
2 initially must apply the critical time intervention principle  
3 described by Section 579.004 and must include the following  
4 elements:

- 5 (1) caseload management;
- 6 (2) multilevel residential services; and
- 7 (3) easy access to:
  - 8 (A) integrated health, mental health, and
  - 9 chemical dependency services;
  - 10 (B) benefits acquisition services; and
  - 11 (C) multiple rehabilitation services.

12 Sec. 579.004. CRITICAL TIME INTERVENTION. The  
13 commissioners court, in applying the critical time intervention  
14 principle through the pilot program, shall endeavor to give persons  
15 with mental illness access to available social, clinical, housing,  
16 and welfare services during the first weeks after the person's  
17 release from jail.

18 Sec. 579.005. LOCAL SERVICES COORDINATION. In designing  
19 the criminal justice mental health service model, the commissioners  
20 court shall seek input from and coordinate the provision of  
21 services with the following local entities:

- 22 (1) the Fort Bend County Sheriff's Office;
- 23 (2) the mental health division of the office of the  
24 district attorney of Fort Bend County;
- 25 (3) the Fort Bend County Mental Health Public  
26 Defender's Office;
- 27 (4) mental health courts;

- 1           (5) specially trained law enforcement crisis  
2 intervention teams and crisis intervention response teams;  
3           (6) providers of competency restoration services;  
4           (7) providers of guardianship services;  
5           (8) providers of forensic case management;  
6           (9) providers of assertive community treatment;  
7           (10) providers of crisis stabilization services;  
8           (11) providers of intensive and general supportive  
9 housing; and  
10           (12) providers of integrated mental health and  
11 substance abuse inpatient, outpatient, and rehabilitation  
12 services.

13           Sec. 579.006. PROGRAM CAPACITY. (a) In implementing the  
14 pilot program, the commissioners court shall ensure the program has  
15 the resources to provide mental health treatment for incarceration  
16 diversion services to not fewer than 10 individuals.

17           (b) The commissioners court shall endeavor to serve each  
18 year the pilot program operates not fewer than 10 or more than 20  
19 individuals cumulatively.

20           (c) Before the commissioners court implements the pilot  
21 program, the commission and the commissioners court jointly shall  
22 establish clear criteria for identifying a target population to be  
23 served by the program. The criteria must prioritize serving a  
24 target population composed of members at high risk of recidivism  
25 and with severe mental illness. The commissioners court, in  
26 consultation with the appropriate entities listed in Section  
27 579.005, may adjust the criteria established under this subsection

1 during the operation of the program provided the adjusted criteria  
2 are clearly articulated.

3 Sec. 579.007. FINANCING THE PROGRAM. (a) The creation of  
4 the pilot program under this chapter is contingent on the  
5 continuing agreement of the commissioners court to contribute to  
6 the program each year in which the program operates services for  
7 persons with mental illness equivalent in value to funding provided  
8 by the state for the program.

9 (b) It is the intent of the legislature that appropriations  
10 made to fund the pilot program are made in addition to and will not  
11 reduce the amount of appropriations made in the regular funding of  
12 the local mental health authority for Fort Bend County.

13 (c) The commissioners court may seek and receive gifts and  
14 grants from federal sources, foundations, individuals, and other  
15 sources for the benefit of the pilot program.

16 Sec. 579.008. INSPECTIONS. The commission may make  
17 inspections of the operation of and provision of mental health  
18 treatment for incarceration diversion services through the pilot  
19 program on behalf of the state to ensure state funds appropriated  
20 for the program are used effectively.

21 Sec. 579.009. REPORT. (a) Not later than December 1, 2022,  
22 the executive commissioner shall evaluate and submit a report  
23 concerning the effect of the pilot program in reducing recidivism  
24 and the frequency of arrests and incarceration of persons with  
25 mental illness in Fort Bend County to the governor, the lieutenant  
26 governor, the speaker of the house of representatives, and the  
27 presiding officers of the standing committees of the senate and

1 house of representatives having primary jurisdiction over health  
2 and human services issues and over criminal justice issues.

3 (b) The report must include a description of the features of  
4 the criminal justice mental health service model designed and  
5 tested under the pilot program and the executive commissioner's  
6 recommendation whether to expand use of the model statewide.

7 (c) In conducting the evaluation required under Subsection  
8 (a), the executive commissioner shall compare the rate of  
9 recidivism in Fort Bend County among persons in the target  
10 population before the date the pilot program is implemented in the  
11 community to the rate of recidivism among those persons two years  
12 after the date the program is implemented in the community and three  
13 years after the date the program is implemented in the community.  
14 The executive commissioner may include in the evaluation measures  
15 of the effectiveness of the program related to the well-being of  
16 persons served under the program.

17 Sec. 579.010. CONCLUSION; EXPIRATION. The pilot program  
18 established under this chapter concludes and this chapter expires  
19 September 1, 2023.

20 SECTION 2. This Act takes effect immediately if it receives  
21 a vote of two-thirds of all the members elected to each house, as  
22 provided by Section 39, Article III, Texas Constitution. If this  
23 Act does not receive the vote necessary for immediate effect, this  
24 Act takes effect September 1, 2021.