

By: Canales

H.B. No. 1999

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to a specialty mental health court program for juveniles.  
3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
4 SECTION 1. Section 125.001, Government Code, is amended by  
5 amending Subsection (a) and adding Subsection (c) to read as  
6 follows:  
7 (a) In this chapter, "mental health court program" means a  
8 program that has the following essential characteristics:  
9 (1) the integration of mental illness treatment  
10 services and intellectual or developmental disability [~~mental~~  
11 ~~retardation~~] services in the processing of cases in the judicial  
12 system;  
13 (2) the use of a nonadversarial approach involving  
14 prosecutors and defense attorneys to promote public safety and to  
15 protect the due process rights of program participants;  
16 (3) early identification and prompt placement of  
17 eligible participants in the program;  
18 (4) access to mental illness treatment services and  
19 intellectual or developmental disability [~~mental retardation~~]  
20 services;  
21 (5) ongoing judicial interaction with program  
22 participants;  
23 (6) diversion of potentially mentally ill or  
24 intellectually or developmentally disabled [~~mentally retarded~~]

1 defendants or children to needed services as an alternative to  
2 subjecting those defendants or children to the criminal or juvenile  
3 justice system;

4 (7) monitoring and evaluation of program goals and  
5 effectiveness;

6 (8) continuing interdisciplinary education to promote  
7 effective program planning, implementation, and operations; and

8 (9) development of partnerships with public agencies  
9 and community organizations, including local mental health  
10 [~~retardation~~] authorities providing intellectual or developmental  
11 disability services.

12 (c) If a child successfully completes a mental health court  
13 program for juveniles, after notice to the attorney representing  
14 the state and a hearing in the mental health court at which that  
15 court determines that a dismissal is in the best interest of  
16 justice, the court shall provide to the juvenile court in which the  
17 juvenile case is pending information about the dismissal and shall  
18 include all records relating to the child. The juvenile court in  
19 which the juvenile case is pending shall dismiss the case against  
20 the child and, on the court's own motion and without a hearing, may,  
21 with the consent of the attorney representing the state, order the  
22 sealing of records relating to the child.

23 SECTION 2. Section 125.002, Government Code, is amended to  
24 read as follows:

25 Sec. 125.002. AUTHORITY TO ESTABLISH PROGRAM. The  
26 commissioners court of a county may establish a mental health court  
27 program for persons who:

- 1           (1) have been:
- 2                 (A) arrested for or charged with a misdemeanor or
- 3 felony; or
- 4                 (B) referred to a juvenile court or alleged by a
- 5 petition to have engaged in delinquent conduct or conduct
- 6 indicating a need for supervision; and
- 7           (2) are suspected by a law enforcement agency or a
- 8 court of having a mental illness or an intellectual or
- 9 developmental disability [~~mental retardation~~].

10           SECTION 3. Section 125.003, Government Code, is amended by

11 amending Subsection (a) and adding Subsection (c) to read as

12 follows:

13           (a) A mental health court program established under Section

14 125.002:

- 15                 (1) may handle all issues arising under:
- 16                         (A) Articles 16.22 and 17.032, Code of Criminal
- 17 Procedure, and Chapter 46B, Code of Criminal Procedure; and
- 18                         (B) Section 51.20(a), Family Code, and
- 19 Subchapters B and C, Chapter 55, Family Code; and

- 20                 (2) except as provided by Subsection (c), must:
- 21                         (A) ensure a person eligible for the program is
- 22 provided legal counsel before volunteering to proceed through the
- 23 mental health court program and while participating in the program;
- 24                         (B) allow a person, if eligible for the program,
- 25 to choose whether to proceed through the mental health court
- 26 program or proceed through the regular criminal justice system or
- 27 juvenile justice system, as applicable;

1 (C) allow a participant to withdraw from the  
2 mental health court program at any time before a trial on the merits  
3 has been initiated;

4 (D) provide a participant with a court-ordered  
5 individualized treatment plan indicating the services that will be  
6 provided to the participant; and

7 (E) ensure that the jurisdiction of the mental  
8 health court extends at least six months but does not extend beyond  
9 the probationary period for the offense or conduct charged if the  
10 probationary period is longer than six months.

11 (c) If a child is eligible for or is a participant in a  
12 mental health court program, a decision to participate in or  
13 withdraw from the program under Subsection (a) requires the consent  
14 of the child's parent, guardian, or conservator.

15 SECTION 4. Section 125.004, Government Code, is amended to  
16 read as follows:

17 Sec. 125.004. PARTICIPANT PAYMENT FOR TREATMENT AND  
18 SERVICES. A mental health court program may require an adult [a]  
19 participant or a parent, guardian, or conservator of a child  
20 participant to pay the cost of all treatment and services the  
21 participant received while participating in the program, based on  
22 the [~~participant's~~] ability to pay.

23 SECTION 5. Section 125.005(a), Government Code, is amended  
24 to read as follows:

25 (a) The commissioners court of a county with a population of  
26 more than 200,000 shall:

27 (1) establish a mental health court program, including

1 a separate program for juveniles, under Section [125.002](#); and

2 (2) direct the judge, magistrate, or coordinator to  
3 comply with Section [121.002\(c\)\(1\)](#).

4 SECTION 6. This Act takes effect September 1, 2021.