

## **BILL ANALYSIS**

S.B. 1677  
By: Perry  
Corrections  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

As reported by the Texas Tribune, the state's ongoing shortage of available hospital beds for mental health patients across Texas has been worsened by understaffing in the state psychiatric hospital system, and waitlists for placement in mental health facilities for competency restoration can be months long. S.B. 1677 seeks to address these issues by providing for counties under 250,000 to apply for Health and Human Services Commission (HHSC) assistance for jail-based competency restoration, jail diversion, mental health services, and adolescent behavioral health services. The legislation further requires HHSC to re-let contracts for new funding under certain grant programs providing for mental health services so that new entities can participate in the programs and requires the State Auditor's Office to conduct an audit of the forensic waitlist for competency restoration.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 5 of this bill.

### **ANALYSIS**

S.B. 1677 amends the Government Code to require the Health and Human Services Commission (HHSC), if it is appropriated money to implement the following grant programs in an amount that exceeds the total amount of grants awarded under the programs in the previous state fiscal year, in selecting grant recipients for that excess amount, to accept applications or proposals from applicants, or petitions from community collaboratives, as applicable, that were not selected as grant recipients of the respective program in the previous state fiscal year or that were selected, but that require additional funding for the recipient's community mental health program, or the recipient's collaborative, as applicable for the respective program's purposes:

- a matching grant program for supporting community mental health programs providing services and treatment to individuals experiencing mental illness; and
- a grant program to reduce recidivism, arrest, and incarceration among individuals with mental illness and to reduce the wait time for forensic commitment of such persons to a state hospital.

S.B. 1677 requires HHSC to establish procedures to assist a community collaborative that includes a county with a population of less than 250,000 with the submission of a petition to HHSC for seeking a grant from the program to reduce recidivism, arrest, and incarceration among individuals with mental illness and to reduce wait time for forensic commitment.

S.B. 1677 requires HHSC, in cooperation with local mental health authorities located primarily in rural areas of Texas and to the extent money is appropriated to HHSC for the purpose, to contract with 501(c)(3) tax-exempt nonprofit organizations to establish or expand behavioral health centers or jail diversion centers in the authorities' local service areas to provide the following:

- additional forensic hospital beds and competency restoration services;
- inpatient and outpatient mental health services to adults and children; and
- services to reduce recidivism and the frequency of arrest, incarceration, and emergency detentions among persons with mental illness in the service areas.

The bill requires the executive commissioner of HHSC to develop criteria for the evaluation of applications or proposals submitted by a nonprofit organization seeking such a contract. The bill prohibits these provisions from being construed to affect a grant program established by HHSC under the Government Code. The bill defines "local mental health authority" by reference to Health and Safety Code provisions governing services for persons with mental illness or an intellectual disability.

S.B. 1677 requires the State Auditor's Office to conduct an audit of the inmates in county jails who are waiting for a forensic hospital bed for the provision of competency restoration services that identifies any issues and inefficiencies in the commitment process. The bill requires the state auditor, not later than December 1, 2024, to prepare and publish on its website a report of the audit that includes the following information:

- a review of the history and status of the waitlist beginning September 2018 through the most current year for which information is available;
- any disparities in treatment in the forensic commitment process based on race, gender, ethnicity, or age; and
- any other analysis the state auditor determines appropriate.

These provisions expire September 1, 2025.

S.B. 1677 requires the executive commissioner of HHSC, as soon as practicable after the bill's effective date, to adopt rules necessary to implement the bill's provisions requiring HHSC to establish procedures to assist certain community collaboratives with the submission of a petition to HHSC and the bill's provisions relating to the establishment or expansion of regional behavioral health centers or jail diversion centers.

#### **EFFECTIVE DATE**

September 1, 2023.