By: Rodriguez of Bexar

H.B. No. 3592

## A BILL TO BE ENTITLED

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| 1  | AN ACT   |
| 2  | relating to the creation of a mental health jail diversion and     |
| 3  | crisis stabilization unit pilot program.                           |
| 4  | BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:            |
| 5  | SECTION 1. Subtitle C, Title 7, Health and Safety Code, is         |
| 6  | amended by adding Chapter 580 to read as follows:                  |
| 7  | CHAPTER 580. MENTAL HEALTH JAIL DIVERSION AND CRISIS STABILIZATION |
| 8  | UNIT PILOT PROGRAM; BEXAR COUNTY                                   |
| 9  | Sec. 580.001. DEFINITIONS. In this chapter:                        |
| 10 | (1) "Commissioner" means the commissioner of state                 |
| 11 | health services.   |
| 12 | (2) "County judge" means the county judge of Bexar                 |
| 13 | County.  |
| 14 | (3) "Department" means the Department of State Health              |
| 15 | Services.  |
| 16 | Sec. 580.002. MENTAL HEALTH JAIL DIVERSION AND CRISIS              |
| 17 | STABILIZATION UNIT PILOT PROGRAM. The department, in cooperation   |
| 18 | with the county judge, shall establish a pilot program in Bexar    |

20 <u>(1) providing short-term residential treatment in a</u>

County to be implemented by the county judge for the purpose of:

- 21 crisis stabilization unit that includes medical and nursing
- 22 <u>services for persons with mental illness who are incarcerated in</u>
- 23 that county; and

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24 (2) reducing recidivism and the frequency of arrests

and incarceration among persons with mental illness in that county. 1 2 Sec. 580.003. CRIMINAL JUSTICE MENTAL HEALTH SERVICE MODEL. 3 The county judge shall design and test through the pilot program a criminal justice mental health service model oriented toward 4 5 providing short-term residential treatment in a crisis stabilization unit that includes medical and nursing services and 6 7 toward reducing the recidivism and frequency of arrests and 8 incarceration of persons with mental illness in the Bexar County The model initially must apply the critical time 9 intervention principle described by Section 580.004 and must 10 include the following elements: 11 12 (1) medical and nursing services; (2) 13 low caseload management; 14 (3) multilevel residential services; and 15 (4) easy access to: (A) integrated health, mental health, and 16 17 chemical dependency services; 18 (B) benefits acquisition services; and 19 (C) multiple rehabilitation services. Sec. 580.004. CRITICAL TIME INTERVENTION. 20 The pilot program, in applying the critical time intervention principle, must 21 give persons with mental illness access to available social, 22 clinical, housing, and welfare services during the first weeks 23 24 after the person's release from jail. Sec. 580.005. LOCAL SERVICES COORDINATION. In designing 25 26 the criminal justice mental health service model the county judge shall seek input from and coordinate the provision of services with 27

| 1  | the following local entities:                                     |
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| 2  | (1) county or municipal law enforcement agencies;                 |
| 3  | (2) the mental health division of the office of the               |
| 4  | district attorney of Bexar County;                                |
| 5  | (3) the Bexar County public defender;                             |
| 6  | (4) mental health courts;   |
| 7  | (5) specially trained law enforcement crisis                      |
| 8  | intervention teams and crisis intervention response teams;        |
| 9  | (6) providers of competency restoration services;                 |
| 10 | (7) providers of guardianship services;                           |
| 11 | (8) providers of forensic case management;                        |
| 12 | (9) providers of assertive community treatment;                   |
| 13 | (10) providers of crisis stabilization services;                  |
| 14 | (11) providers of intensive and general supportive                |
| 15 | housing; and  |
| 16 | (12) providers of integrated mental health and                    |
| 17 | substance abuse inpatient, outpatient, and rehabilitation         |
| 18 | services.   |
| 19 | Sec. 580.006. PROGRAM CAPACITY. (a) In implementing the           |
| 20 | pilot program, the county judge shall ensure the program has the  |
| 21 | resources to provide mental health jail diversion services to not |
| 22 | fewer than 400 individuals.                                       |
| 23 | (b) The county judge shall endeavor to serve each year the        |
| 24 | program operates not fewer than 400 or more than 600 individuals  |
| 25 | <pre>cumulatively.</pre>  |
| 26 | (c) Before the county judge implements the pilot program,         |
| 27 | the department and the county judge jointly shall establish clear |

- 1 criteria for identifying a target population to be served by the
- 2 program. The criteria must prioritize serving a target population
- 3 composed of members with the highest risks of recidivism and the
- 4 most severe mental illnesses. The county judge, in consultation
- 5 with the appropriate entities listed in Section 580.005, may adjust
- 6 the criteria established under this subsection during the operation
- 7 of the program provided the adjusted criteria are clearly
- 8 articulated.
- 9 Sec. 580.007. FINANCING THE PROGRAM. (a) The creation of
- 10 the pilot program under this chapter is contingent on the
- 11 continuing agreement of the Commissioners Court of Bexar County to
- 12 contribute to the program each year in which the program operates
- 13 services for persons with mental illness equivalent in value to
- 14 funding provided by the state for the program.
- 15 (b) It is the intent of the legislature that appropriations
- 16 made to fund the pilot program are made in addition to and will not
- 17 reduce the amount of appropriations made in the regular funding of a
- 18 local authority for intellectual and developmental disabilities or
- 19 a local mental health authority that serves Bexar County.
- 20 (c) The Commissioners Court of Bexar County may seek and
- 21 receive gifts and grants from federal sources, foundations,
- 22 individuals, and other sources for the benefit of the pilot
- 23 program.
- Sec. 580.008. INSPECTIONS. The department may make
- 25 inspections of the operation of and provision of mental health jail
- 26 diversion services through the pilot program on behalf of the state
- 27 to ensure state funds appropriated for the pilot program are used

- 1 <u>effectively.</u>
- 2 Sec. 580.009. REPORT. (a) Not later than December 1, 2020,
- 3 the commissioner shall evaluate and submit a report concerning the
- 4 effect of the pilot program in providing short-term residential
- 5 treatment in a crisis stabilization unit that includes medical and
- 6 nursing services and reducing recidivism and the frequency of
- 7 arrests and incarceration among persons with mental illness in
- 8 Bexar County to the governor, the lieutenant governor, the speaker
- 9 of the house of representatives, and the presiding officers of the
- 10 standing committees of the senate and house of representatives
- 11 having primary jurisdiction over health and human services issues
- 12 and over criminal justice issues.
- 13 (b) The report must include a description of the features of
- 14 the criminal justice mental health service model developed and
- 15 tested under the pilot program and the commissioner's
- 16 recommendation whether to expand use of the model statewide.
- 17 <u>(c) In conducting the evaluation required under Subsection</u>
- 18 <u>(a), the commissioner shall compare the rate of recidivism in Bexar</u>
- 19 County among persons in the target population before the date the
- 20 program is implemented in the community to the rate of recidivism
- 21 among those persons two years after the date the program is
- 22 implemented in the community and three years after the date the
- 23 program is implemented in the community. The commissioner may
- 24 include in the evaluation measures of the effectiveness of the
- 25 program related to the well-being of persons served under the
- 26 program.
- Sec. 580.010. CONCLUSION; EXPIRATION. The pilot program

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- 1 established under this chapter concludes and this chapter expires
- 2 September 1, 2021.
- 3 SECTION 2. This Act takes effect immediately if it receives
- 4 a vote of two-thirds of all the members elected to each house, as
- 5 provided by Section 39, Article III, Texas Constitution. If this
- 6 Act does not receive the vote necessary for immediate effect, this
- 7 Act takes effect September 1, 2017.