

BILL ANALYSIS

C.S.S.B. 1507
By: Garcia
Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties assert the need for improved statewide coordination and oversight of forensic and competency restoration services provided to individuals who are determined to be incompetent to stand trial, committed to court-ordered mental services, or found not guilty by reason of insanity. Services can include community-based outpatient competency restoration, jail-based restoration, or inpatient restoration at a state mental health hospital. There is concern that forensic services, which are currently administered by the Department of State Health Services (DSHS), are not adequately coordinated and are not equally utilized in all judicial districts. The interested parties contend that the size and complexity of the forensic population served by DSHS has grown to the extent that a local approach no longer meets the need for efficient statewide and cross-agency coordination between the public mental health and justice systems. As a result, a growing number of individuals in state hospitals are involved in the criminal justice system and more inmates in Texas prisons and jails are living with one or more mental health conditions and substance use disorders. C.S.S.B. 1507 seeks to streamline the provision and coordination of forensic services statewide.

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 1 of this bill.

ANALYSIS

C.S.S.B. 1507 amends the Health and Safety Code to require the commissioner of state health services, as soon as practicable after the bill's effective date, to appoint a forensic director. The bill requires the forensic director to have proven expertise in the social, health, and legal systems for forensic patients and in the intersection of those systems. The bill defines "forensic services" as a competency examination, competency restoration services, or mental health services provided to a current or former forensic patient in the community or at a Department of State Health Services (DSHS) facility. The bill defines "forensic patient" as a person with mental illness who is, under applicable Code of Criminal Procedure provisions, examined on the issue of competency to stand trial by an appointed expert, found incompetent to stand trial, committed to court-ordered mental health services, or found not guilty by reason of insanity.

C.S.S.B. 1507 establishes that the forensic director reports to the commissioner of state health services and is responsible for statewide coordination and oversight of forensic services and coordination of DSHS programs relating to evaluation of forensic patients, transition of forensic patients from inpatient to outpatient or community-based services, community forensic

monitoring, or forensic research and training. The bill establishes that the forensic director is responsible for addressing issues with the delivery of forensic services in Texas, including significant increases in populations with serious mental illness and criminal justice system involvement, adequate availability of DSHS facilities for civilly committed forensic patients, wait times for forensic patients who require competency restoration services, interruption of mental health services of recently released forensic patients, and coordination of services provided to forensic patients by state agencies.

C.S.S.B. 1507 requires the commissioner of state health services to establish a work group of experts and stakeholders to make recommendations concerning the creation of a comprehensive plan for the effective coordination of forensic services. The bill requires the work group to have a minimum of nine members, with the commissioner selecting the total number of members at the time the commissioner establishes the work group, and sets out the composition of the work group. The bill authorizes the work group, in developing recommendations, to use information compiled by other work groups in Texas, especially work groups for which the focus is mental health issues. The bill requires the work group, not later than July 1, 2016, to send a report describing the work group's recommendations to the lieutenant governor, the speaker of the house of representatives, and the standing committees of the senate and the house of representatives with primary jurisdiction over forensic services. The bill authorizes the executive commissioner of the Health and Human Services Commission to adopt rules as necessary to implement the work group. The bill dissolves the work group and sets its provisions governing the work group to expire November 1, 2019.

C.S.S.B. 1507 requires the commissioner of state health services to establish a forensic work group and requires the executive commissioner to appoint members of the work group and to adopt any rules necessary to implement the bill's provisions not later than November 1, 2015.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.

COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

While C.S.S.B. 1507 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the engrossed and committee substitute versions of the bill and does not indicate differences relating to changes made by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, which became effective April 2, 2015.

SENATE ENGROSSED

SECTION 1. Chapter 532, Health and Safety Code, is amended by adding Sections 532.013 and 532.0131 to read as follows:

Sec. 532.013. FORENSIC DIRECTOR.

(a) In this section:

(1) "Commissioner" means the commissioner of the department.

(2) "Department" means the Department of State Health Services.

(3) "Forensic patient" means a person with mental illness who is:

(A) examined on the issue of competency to stand trial by an expert

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Chapter 532, Health and Safety Code, is amended by adding Sections 532.013 and 532.0131 to read as follows:

Sec. 532.013. FORENSIC DIRECTOR.

(a) In this section:

(1) "Forensic patient" means a person with mental illness who is:

(A) examined on the issue of competency to stand trial by an expert

appointed under Subchapter B, Chapter 46B, Code of Criminal Procedure;

(B) found incompetent to stand trial under Subchapter C, Chapter 46B, Code of Criminal Procedure;

(C) committed to court-ordered mental health services under Subchapter E, Chapter 46B, Code of Criminal Procedure; or

(D) found not guilty by reason of insanity under Chapter 46C, Code of Criminal Procedure.

(4) "Forensic services" means a competency examination, competency restoration services, or mental health services provided to a current or former forensic patient in the community or at a department facility.

(b) The commissioner shall appoint a forensic director.

(c) To be qualified for appointment as forensic director, a person must have proven expertise in the social, health, and legal systems for forensic patients, and in the intersection of those systems.

(d) The forensic director reports to the commissioner and is responsible for:

(1) statewide coordination and oversight of forensic services;

(2) any programs operated by the department relating to evaluation of forensic patients, transition of forensic patients from inpatient to outpatient or community-based services, community forensic monitoring, or forensic research and training; and

(3) addressing issues with the delivery of forensic services in the state, including:

(A) significant increases in populations with serious mental illness and criminal justice system involvement;

(B) adequate availability of department facilities for civilly committed forensic patients;

(C) wait times for forensic patients who require competency restoration services;

(D) interruption of mental health services of recently released forensic patients; and

(E) coordination of services provided to forensic patients by state agencies.

Sec. 532.0131. FORENSIC WORKGROUP.

appointed under Subchapter B, Chapter 46B, Code of Criminal Procedure;

(B) found incompetent to stand trial under Subchapter C, Chapter 46B, Code of Criminal Procedure;

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(D) interruption of mental health services of recently released forensic patients; and

(E) coordination of services provided to forensic patients by state agencies.

Sec. 532.0131. FORENSIC WORK GROUP.

SECTION 2. (a) Not later than November 1, 2015, the commissioner of the Department of State Health Services shall establish a forensic workgroup, and the executive commissioner of the Health and Human Services Commission shall appoint members of that workgroup, as required by Section 532.0131, Health and Safety Code, as added by this Act.

(b) Not later than November 1, 2015, the executive commissioner of the Health and Human Services Commission shall adopt any rules necessary for the implementation of Section 532.013 or 532.0131, Health and Safety Code, as added by this Act.

SECTION 3. The commissioner of the Department of State Health Services shall appoint a forensic director as required by Section 532.013, Health and Safety Code, as added by this Act, as soon as practicable after the effective date of this Act.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

SECTION 2. (a) Not later than November 1, 2015, the commissioner of state health services shall establish a forensic work group, and the executive commissioner of the Health and Human Services Commission shall appoint members of that work group, as required by Section 532.0131, Health and Safety Code, as added by this Act.

(b) Not later than November 1, 2015, the executive commissioner of the Health and Human Services Commission shall adopt any rules necessary for the implementation of Section 532.013 or 532.0131, Health and Safety Code, as added by this Act.

SECTION 3. The commissioner of state health services shall appoint a forensic director as required by Section 532.013, Health and Safety Code, as added by this Act, as soon as practicable after the effective date of this Act.

SECTION 4. Same as senate engrossed version.