

BILL ANALYSIS

Senate Research Center
78R9975 JJT-D

C.S.S.B. 1145
By: Madla
Criminal Justice
4/9/2003
Committee Report (Substituted)

DIGEST AND PURPOSE

Currently, about 15 to 20 percent of Texas' jail and prison population have a diagnosis of a serious mental illness and /or substance abuse. In Bexar County, more than 500 individuals with a non-violent psychiatric disorder are incarcerated solely because of the untreated symptoms of their illness. C.S.S.B. 1145 requires the local departments of Mental Health and Mental Retardation to divert persons with special needs from the criminal justice system.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 533.014(a), Health and Safety Code, to require the Texas Board of Mental Health and Mental Retardation (board) to adopt rules regarding mental health services to include individuals who are in contact with the criminal justice system and individuals detained in local jails and juvenile detention facilities.

SECTION 2. Amends Section 533.107, Health and Safety Code, to provide that this section and Sections 533.101-533.106 expire, rather than this subchapter expires, September 1, 2005.

SECTION 3. Amends Chapter 533E, Health and Safety Code, by adding Section 533.108, as follows:

Sec. 533.108. PRIORITIZATION OF FUNDING FOR DIVERSION OF PERSONS FROM INCARCERATION IN CERTAIN COUNTIES. (a) Authorizes a local mental health or mental retardation authority to develop and to prioritize its available funding to meet certain requirements.

(b) Requires a local authority developing a system, training, or a model program under Subsection (a) to collaborate with other local resources, including local law enforcement and judicial systems and local personnel.

(c) Prohibits a local mental health or mental retardation authority from implementing a system, training, or a model program developed under this section until the system, training, or program is approved by the Texas Department of Mental Health and Mental Retardation.

SECTION 4. Effective date: September 1, 2003.

SUMMARY OF COMMITTEE CHANGES

SECTION 3. Differs from the original bill in proposed Section 533.108(b) by adding a "local" as a modifier for law enforcement and for personnel.

Differs from the original bill in proposed Section 533.108(c) by requiring the Texas Department of Mental Health and Mental Retardation to approve a local mental health or mental retardation authority's plan, rather than the Texas Commission on Alcohol and Drug Abuse.