

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 3474
By: Coleman (Schwertner)
Health & Human Services
5/22/2015
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Interested parties contend that counties currently face a wide variety of pressing issues that merit legislative attention. The parties note that among these issues are matters relating to a lack of information on how population growth is affecting counties, mental health first aid training, and graffiti removal. The bill addresses additional issues affecting counties such as infectious disease response, the use of veterans courts, neighborhood revitalization efforts, and GPS tracking for domestic violence cases.

C.S.H.B. 3474 amends current law relating to issues affecting counties and other governmental entities.

[**Note:** While the statutory reference in this bill is to the Texas Department of Health (TDH), the following amendments affect the Department of State Health Services, as the successor agency to TDH.]

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 22 (Section 81.0895, Health and Safety Code) of this bill.

Rulemaking authority previously granted to the Department of State Health Services is rescinded in SECTION 63 (Section 1001.202, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 55.01(a), Code of Criminal Procedure, effective September 1, 2015, as follows:

(a) Entitles a person who has been placed under a custodial or noncustodial arrest for commission of either a felony or misdemeanor to have all records and files relating to the arrest expunged if:

(1) Makes no change to this subdivision;

(2) the person has been released and the charge, if any, has not resulted in a final conviction and is no longer pending and there was no court-ordered community supervision under Article 42.12 (Finding that Controlled Substance Used to Commit Offense) for the offense, unless the offense is a Class C misdemeanor, provided that:

(A) regardless of whether any statute of limitations exists for the offense and whether any limitations period for the offense has expired, an indictment or information charging the person with the commission of a misdemeanor offense based on the person's arrest or charging the person with the commission of any felony offense arising out of the same transaction for which the person was arrested:

(i) Makes no change to this subparagraph;

(ii) if presented at any time following the arrest, was dismissed or quashed, and the court finds that the indictment or information was dismissed or quashed because:

(a) the person was arrested for a Class B or Class C misdemeanor and subsequently completed a veterans treatment court program under Chapter 124 (Veterans Court Program), Government Code, or former law;

(b) the person completed a pretrial intervention program authorized under Section 76.011, Government Code, or, if the person was arrested for an offense punishable as a Class A misdemeanor or any higher category of offense, a veterans treatment court program under Chapter 124, Government Code, or former law;

(c) the presentment had been made because of mistake, false information, or other similar reason indicating absence of probable cause at the time of the dismissal to believe the person committed the offense; or

(d) the indictment or information was void; or

(B) Makes no change to this paragraph.

Makes nonsubstantive changes.

SECTION 2. Amends Section 1a, Article 55.02, Code of Criminal Procedure, effective September 1, 2015, by adding Subsection (a-1), as follows:

(a-1) Requires a trial court dismissing a case of a person arrested for a Class B or Class C misdemeanor, following the person's successful completion of a veterans treatment court program created under Chapter 124, Government Code, or former law, if the trial court is a district court, or a district court in the county in which the trial court is located, to enter an order of expunction under Article 55.01(a)(2)(A)(ii)(a) not later than the 30th day after the date the court dismisses the case or receives the information regarding that dismissal, as applicable.

SECTION 3. Amends Section 2(a), Article 55.02, Code of Criminal Procedure, effective September 1, 2015, as follows:

(a) Authorizes a person who is entitled to expunction of records and files under Article 55.01(a)(1)(B)(i) or under Article 55.01(a)(2), other than Article 55.01(a)(2)(A)(ii)(a), or a person who is eligible for expunction of records and files under Article 55.01(b) to file an ex parte petition for expunction in a district court for the county in which the petitioner was arrested or the offense was alleged to have occurred.

SECTION 4. Amends Section 21.044(c-1), Education Code, effective September 1, 2015, as follows:

(c-1) Requires that any minimum academic qualifications for a certificate specified under Subsection (a) (relating to rules establishing the training requirements a person must accomplish to obtain a certificate, enter an internship, or enter an induction-year program) that require a person to possess a bachelor's degree also require that the person receive, as part of the training required to obtain that certificate, instruction regarding mental health, substance abuse, and youth suicide. Requires that the instruction required:

(1) be provided through a program selected from the list of recommended best practice-based programs established under Section 161.325 (Mental Health Promotion and Intervention, Substance Abuse Prevention and Intervention, and Suicide Prevention), Health and Safety Code; and

(2) include effective strategies for teaching and intervening with students mental or emotional disorders, including de-escalation techniques and positive behavioral interventions and supports.

Deletes existing text requiring that any minimum academic qualifications for a certificate specified under Subsection (a) that require a person to possess a bachelor's degree also require that the person receive, as part of the training required to obtain that certificate, instruction in detection of students with mental or emotional disorders.

SECTION 5. Amends Section 54.976(a), Government Code, effective September 1, 2015, as follows:

(a) Authorizes a judge to refer to a magistrate any criminal case or matter relating to a criminal case for proceedings involving:

(1)-(12) Makes no change to these subdivisions;

(13) specialty court proceedings, including drug court proceedings, veterans treatment court proceedings, rather than veteran's court proceedings, and driving while intoxicated court proceedings;

(14)-(18) Makes no change to these subdivisions.

SECTION 6. Amends Section 103.0271, Government Code, effective September 1, 2015, as follows:

Sec. 103.0271. **ADDITIONAL MISCELLANEOUS FEES AND COSTS: GOVERNMENT CODE.** Requires that fees and costs be paid or collected under the Government Code as follows:

(1) and (2) Makes no change to these subdivisions;

(3) a reasonable program fee for a veterans treatment court program (Sec. 124.005 (Fees), Government Code) not to exceed \$500, rather than not to exceed \$1,000; and

(4) a testing, counseling, and treatment fee for testing, counseling, or treatment performed or provided under a veterans treatment court program (Sec 124.005, Government Code) in the amount necessary to cover the costs of testing, counseling, or treatment.

SECTION 7. Amends the heading to Chapter 124, Government Code, effective September 1, 2015, to read as follows:

CHAPTER 124. VETERANS TREATMENT COURT PROGRAM

SECTION 8. Amends Section 124.001, Government Code, effective September 1, 2015, as follows:

Sec. 124.001. New heading: **VETERANS TREATMENT COURT PROGRAM DEFINED; PROCEDURES FOR COURT DEFENDANTS.** (a) Defines "veterans treatment court program" rather than "veterans court program."

(b) Requires the veterans treatment court, if a defendant who was arrested for or charged with, but not convicted of or placed on deferred adjudication community supervision for, an offense successfully completes a veterans treatment court program, after notice to the attorney representing the state and a hearing in veterans treatment court at which that court determines that a dismissal is in the best interest of justice, to provide its findings with respect to the dismissal to the court in which the criminal case is pending and to include, for a defendant entitled to expunction, all of the information required for a petition under Section 2(b) (requiring that the petition be verified and include certain information as set forth), Article 55.02 (Procedure for Expunction), Code of Criminal Procedure. Requires the court in which the criminal case is pending, if the veterans treatment court determines that a dismissal is in the best interest of justice for a program participant, to dismiss the case, against the participant. Requires the court in which the criminal case is pending, for a participant who is entitled to an automatic order of expunction under Section 1a(a-1), Article 55.02, Code of Criminal Procedure, to:

- (1) enter the order on behalf of the participant, if that court is a district court; or
- (2) if that court is not a district court, forward the appropriate dismissal and expunction information to a district court with jurisdiction to enter the order on behalf of the participant.

Deletes existing text requiring the court in which the criminal case is pending, if a defendant successfully completes a veterans court program as authorized under Section 76.011 (Operation of Certain Services and Programs), after notice to the attorney representing the state and a hearing in the veterans court at which that court determines that a dismissal is in the best interest of justice, to dismiss the criminal action against the defendant.

(c) Requires the court, regardless of whether the defendant was convicted of the offense for which the defendant entered the veterans treatment court program or whether the applicable court with jurisdiction over the criminal case deferred further proceedings without entering an adjudication of guilt, if a defendant successfully completes a veterans treatment court program and the case was not dismissed under Subsection (b), after notice to the state and a hearing on whether the defendant is otherwise entitled to the petition and whether issuance of the order is in the best interest of justice, to enter an order of nondisclosure under Section 411.081 (Application of Subchapter) as if the defendant had received a discharge and dismissal under Section 5(c) (relating to the dismissal and discharge of a defendant on expiration of a certain community supervision period), Article 42.12, Code of Criminal Procedure, with respect to all records and files related to the defendant's arrest for the offense for which the defendant entered the program if the defendant entered the program based on an offense punishable as a misdemeanor and:

- (1) has not been previously convicted of an offense listed in Section 3g (Limitation on Judge Ordered Community Supervision), Article 42.12, Code of Criminal Procedure, or a sexually violent offense, as defined by Article 62.001 (Definitions), Code of Criminal Procedure; and
- (2) is not convicted for any felony offense between the date on which the defendant successfully completed the program and the second anniversary of that date.

(d) Provides that, notwithstanding Subsection (c), a defendant is not entitled to petition the court for an order of nondisclosure following successful completion of a veterans treatment court program if the defendant's entry into the program arose as the result of a conviction for an offense involving the operation of a motor vehicle while intoxicated and it was shown on the trial of the offense that the defendant's operation of a motor

vehicle while intoxicated caused bodily injury to another. In this subsection, "bodily injury" has the meaning assigned by Section 1.07 (Definitions), Penal Code.

SECTION 9. Amends Section 124.002, Government Code, effective September 1, 2015, as follows:

Sec. 124.002. **AUTHORITY TO ESTABLISH PROGRAM; ELIGIBILITY.** (a) Authorizes the commissioners court of a county to establish a veterans treatment court program for persons arrested for, charged with, convicted of, or placed on deferred adjudication community supervision for any misdemeanor or felony offense. Provides that a defendant is eligible to participate in a veterans treatment court program established under this chapter only if the attorney representing the state consents to the defendant's participation in the program and if the court in which the criminal case is pending or in which the defendant was convicted or placed on deferred adjudication community supervision, as applicable, finds that:

(1) the defendant:

(A) is a veteran or current member of the United States Armed forces, including a member of the reserves, national guard, or state guard; and

(B) suffers from a brain injury, mental illness, or mental disorder, including post-traumatic stress disorder, or was a victim of military sexual trauma if the injury, illness, disorder, or trauma occurred during or resulted from the defendant's military service and affected the defendant's criminal conduct at issue in the case, rather than suffers from a brain injury, mental illness, or mental disorder, including post-traumatic stress disorder, that resulted from the defendant's military service in a combat zone or other similar hazardous duty area and materially affected the defendant's criminal conduct at issue in the case; or

(2) considering the circumstances of the defendant's conduct, personal and social background, and criminal history, the defendant's participation in a veterans treatment court program is likely to achieve the objective of ensuring public safety through rehabilitation of the veteran in the manner provided by Section 1.02(1) (providing that it is the intent of the Penal Code to insure the public safety), Penal Code.

Makes nonsubstantive changes.

(b) Requires the court in which the criminal case is pending to allow an eligible defendant to choose whether to proceed through the veterans treatment court program or otherwise through the criminal justice system.

(c) Authorizes proof of matters described by Subsection (a) to be submitted to the applicable criminal court, rather than the court in which the criminal case is pending, in any form the court determines to be appropriate, including military service and medical records, previous determinations of a disability by a veteran's organization or by the United States Department of Veterans Affairs, testimony or affidavits of other veterans or service members, and prior determinations of eligibility for benefits by any state or county veterans office.

(d) Defines "military sexual trauma."

SECTION 10. Amends the heading to Section 124.003, Government Code, effective September 1, 2015, to read as follows:

Sec. 124.003. **DUTIES OF VETERANS TREATMENT COURT PROGRAM.**

SECTION 11. Amends Section 124.003, Government Code, effective September 1, 2015, by amending Subsections (a) and (b) and adding Subsection (b-1), as follows:

(a) Requires that a veterans treatment court program (program) established under this chapter:

(1) if there has not yet been a disposition in the criminal case, ensure that a person eligible for the program is provided legal counsel before volunteering to proceed through the program and while participating in the program;

(2) allow a participant arrested for or charged with an offense to withdraw from the program at any time before a trial on the merits has been initiated;

(3) Makes no change to this subdivision; and

(4) ensure that the jurisdiction of the veterans treatment court continues for a period of not less than six months but does not continue beyond the period of community supervision for the offense charged.

(b) Requires a veterans treatment court program established under this chapter to make, establish, and publish local procedures to ensure maximum participation of eligible defendants in the county or counties in which those defendants reside.

(b-1) Authorizes a veterans treatment court program to allow a participant to comply with the participant's court-ordered individualized treatment plan or to fulfill certain other court obligations through the use of videoconferencing software or other Internet-based communications.

SECTION 12. Amends Section 124.004, Government Code, effective September 1, 2015, as follows:

Sec. 124.004. ESTABLISHMENT OF REGIONAL PROGRAM. (a) Authorizes the commissioners courts of two or more counties to elect to establish a regional veterans treatment court program under this chapter for the participating counties.

(b) Makes conforming changes.

SECTION 13. Amends Section 124.005(a), Government Code, effective September 1, 2015, as follows:

(a) Authorizes a veterans treatment court program established under this chapter to collect from a participant in the program:

(1) a reasonable program fee not to exceed \$500, rather than not to exceed \$1,000; and

(2) Makes no change to this subdivision.

SECTION 14. Amends Chapter 124, Government Code, effective September 1, 2015, is amended by adding Section 124.006, as follows:

Sec. 124.006. COURTESY SUPERVISION. Authorizes a veterans treatment court program that accepts placement of a defendant to transfer responsibility for supervising the defendant's participation in the program to another veterans treatment court program that is located in the county where the defendant works or resides. Authorizes the defendant's supervision to be transferred under this section only with the consent of both veterans treatment court programs and the defendant.

(b) Requires a defendant that consents to the transfer of the defendant's supervision to agree to abide by all rules, requirements, and instructions of the veterans treatment court program that accepts the transfer.

(c) Requires the veterans treatment court program supervising the defendant, if a defendant whose supervision is transferred under this section does not successfully complete the program, to return the responsibility for the defendant's supervision to the veterans treatment court program that initiated the transfer.

(d) Authorizes the court in which the criminal case is pending, if a defendant is charged with an offense in a county that does not operate a veterans treatment court program, to place the defendant in a veterans treatment court program located in the county where the defendant works or resides, provided that a program is operated in that county and the defendant agrees to the placement. Requires a defendant placed in a veterans treatment court program in accordance with this subsection to agree to abide by all rules, requirements, and instructions of the program.

SECTION 15. Reenacts Section 772.0061(a)(2), Government Code, effective September 1, 2015, as amended by Chapters 747 (S.B. 462) and 1167 (S.B. 484), Acts of the 83rd Legislature, Regular Session, 2013, and amends it, to redefine "specialty court."

SECTION 16. Amends Chapter 772, Government Code, by adding Section 772.0072, as follows:

Sec. 772.0072. GRANT PROGRAM FOR MONITORING DEFENDANTS AND VICTIMS IN FAMILY VIOLENCE CASES. (a) Defines "criminal justice division" and "family violence."

(b) Requires the criminal justice division, if funds are appropriated for the purposes of this section, in consultation with the Texas Council on Family Violence (council), to establish and administer a grant program to reimburse counties for all or part of the costs incurred by counties as a result of monitoring in cases involving family violence defendants and victims who participate in a global positioning monitoring system under Article 17.292 (Magistrate's Order for Emergency Protection) or 17.49 (Conditions for Defendant Charged with Offense Involving Family Violence), Code of Criminal Procedure.

(c) Requires the criminal justice division, in consultation with the council, to establish:

(1) additional eligibility criteria for grant applicants;

(2) grant application procedures;

(3) guidelines relating to grant amounts;

(4) procedures for evaluating grant applications; and

(5) procedures for monitoring the use of a grant awarded under the program and ensuring compliance with any conditions of the grant.

(d) Requires the criminal justice division to include in the biennial report required by Section 772.006(a)(9) (requiring the governor to establish a criminal justice division in the governor's office to submit a certain biennial report) a detailed reporting of the results and performance of the grant program administered under this section.

(e) Authorizes the criminal justice division to use all revenue available for purposes of this section other than funding received under the Victims of Crime Act of 1984 (Title II, Pub. L. No. 98-473), Violence Against Women Act of 1994

(Title IV, Pub. L. No. 103-322), or the Violence Against Women Act of 2000 (Division B. Pub. L. No. 106-386).

SECTION 17. Amends Section 81.008, Health and Safety Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular session, 2015, as follows:

Sec. 81.008. COMMUNICABLE DISEASES IN ANIMALS; EXCHANGE OF INFORMATION. (a) Authorizes the Texas Department of Health (TDH), a local health authority, or Texas Animal Health Commission, if TDH or the local health authority has reasonable cause to believe that an animal has been infected with, has been exposed to, or is the carrier of a communicable disease, to obtain a sample of the animal's blood or other bodily fluid to perform a test for an infectious disease without the person of the animal's owner or a control order under Section 81.084 (Application of Control Measures to Property).

(b) Creates this subsection from existing text and changes a reference to the Texas A&M University Veterinary Medical Diagnostic Laboratory to the Texas A&M Veterinary Medical Diagnostic Laboratory. Makes no further change.

SECTION 18. Amends Section 81.046, Health and Safety Code, by amending Subsection (b) and adding Subsection (f-1), as follows:

(b) Adds a reference to Subsection (f-1) and makes no further change to this subsection.

(f-1) Authorizes TDH to release to a first responder, as defined by Section 421.095 (Definitions), Government Code, or a local health authority a person's name and the address of the person's current location if TDH reasonably believes that the person is infected with, has been exposed to, or is the carrier of a communicable disease and the communicable disease poses a serious health risk to first responders that do not wear the appropriate personal protective equipment.

SECTION 19. Amends Section 81.083, Health and Safety Code, by amending Subsections (a), (b), and (e) and adding Subsection (d-1), as follows:

(a) Requires any person, including a physician, who examines or treats an individual who has a communicable disease, or TDH or a local health authority, to instruct the individual about measures for preventing reinfection and spread of the disease and the necessity for treatment until the individual is cured or free from the infection.

(b) Authorizes TDH or a health authority, if TDH or the health authority has a reasonable cause to believe that an individual is infected, rather than ill, with, has been exposed to, or is the carrier of a communicable disease, to order the individual, or the individual's parent, legal guardian, or managing conservator if the individual is a minor, to implement control measures that are reasonable and necessary to prevent the introduction, transmission, and spread of the disease in this state. Provides that the order may require the individual to remain in a health care facility or other location, including the individual's home.

(d-1) Authorizes a peace officer, including a sheriff or constable, to use reasonable force to secure an individual subject to an order issued under Subsection (b) and, except as directed by TDH or the health authority, prevent the individual from leaving the facility or other location designated in the order.

(e) Authorizes an individual to be subject to emergency detention under Section 81.0891 or court orders under Subchapter G (Court Orders for Management of Persons with Communicable Diseases) if the individual is infected with, has been exposed to, or is the carrier of or is reasonably suspected of being infected with, having been exposed to, or being the carrier of a communicable disease that presents an immediate threat to the public health and;

(1)-(2) Makes no change to these subdivisions.

SECTION 20. Amends Section 81.084(j), Health and Safety Code, to redefine "property."

SECTION 21. Amends Sections 81.086(b), (c), and (i), Health and Safety Code, as follows:

(b) Authorizes TDH or a health authority, if TDH or the health authority has reasonable cause to believe that a carrier or conveyance has departed from or traveled through an area infected or contaminated with a communicable disease or that an individual transported by the carrier or conveyance is infected with, has been exposed to, or is the carrier of a communicable disease, to order the owner, operator, or authorized agent in control of the carrier or conveyance to:

(1)-(2) Makes no change to these subdivisions.

(c) Authorizes TDH or a health authority to impose necessary technically feasible control measures under Section 81.083 (Application of Control Measures to Individual) or 81.084 to prevent the introduction and spread of communicable disease in this state if TDH or the health authority, after inspection, has reasonable cause to believe that a carrier or conveyance:

(1) Makes conforming change;

(A)-(B) Creates these paragraphs from existing Subdivisions (1) and Subdivision (2) and makes no further change to these paragraphs; or

(2) has an individual on board who is infected with, has been exposed to, or is the carrier of a communicable disease.

(i) Authorizes TDH or a health authority to require that an individual transported by carrier or conveyance who TDH or the health authority has reasonable cause to believe is infected with, has been exposed to, or is the carrier of a communicable disease to be isolated from other travelers and to disembark with the individual's personal effects and baggage at the first location equipped with adequate investigative and disease control facilities, whether the person is in transit through this state or to an intermediate or ultimate destination in this state.

SECTION 22. Amends Subchapter E, Chapter 81, Health and Safety Code, by adding Sections 81.0891, 81.0892, 81.0893, 81.0894, and 81.0895, as follows:

Sec. 81.0891. EMERGENCY DETENTION OF INDIVIDUAL SUBJECT TO CONTROL ORDER. (a) Authorizes a peace officer, without a warrant, to take an individual into custody if the officer has reason to believe and does believe that:

(1) the individual is subject to a written control order under Section 81.083 issued in response to a communicable disease that the commissioner has determined poses a serious and imminent risk to health and safety because the disease:

(A) has resulted or is likely to result in severe or life-threatening illness or death for those infected with the disease; or

(B) is not contained by current public health and medical interventions and is resulting in a high rate of morbidity or mortality;

(2) the individual, or the individual's parent, legal guardian, or managing conservator if the individual is a minor, is not complying with or does not intend to comply with the control order; and

(3) there is a substantial risk of serious harm to others unless the individual is immediately detained.

(b) Provides that a substantial risk of serious harm to others under Subsection (a)(3) may be demonstrated by:

(1) a violation of a control order issued in response to a communicable disease described by Subsection (a)(1) by the individual or, if the individual is a minor, the individual's parent, legal guardian, or managing conservator;

(2) evidence of signs or symptoms of illness consistent with the signs or symptoms of a communicable disease described by Subsection (a)(1), to the extent that the person cannot remain at liberty; or

(3) information provided to the peace officer by the local health authority that issued the control order or TDH.

(c) Authorizes the peace officer to form the belief that the individual may be subject to emergency detention under this section:

(1) on information and belief from the local health authority that issued the control order or TDH; or

(2) on the basis of the condition of the individual or the circumstances under which the individual is found.

(d) Requires a peace officer who takes an individual into custody under Subsection (a) to immediately transport or, if the individual's suspected illness may pose a serious health risk to the peace officer, arrange for transportation of the individual to:

(1) the nearest appropriate health facility, as determined by TDH; or

(2) a location considered suitable by TDH or the local health authority, including the individual's home.

(e) Requires TDH or the local health authority, in determining whether a health facility or location is appropriate for detention of a particular individual under Subsection (d), to the extent possible while still protecting the public health, to attempt to keep family units together.

(f) Requires TDS, in determining whether a health facility is appropriate for the detention of a person under Subsection (d)(1), to consider the facility's capacity and resources and whether the facility is designated as a facility for containment and treatment of communicable diseases.

(g) Requires a peace officer who takes an individual into custody under Subsection (a) to immediately inform the individual orally in simple, nontechnical terms:

(1) of the reason for the detention; and

(2) of the individual's rights under Section 81.0895; and

(3) that a staff member of the health facility, or TDH or the local health authority if the individual is detained at a location under Subsection (d)(2), will inform the individual of the individual's rights under Section 81.0895 not later than 24 hours after the time the individual is admitted to the facility or detained at the other location, as applicable.

Sec. 81.0892. PEACE OFFICER'S NOTIFICATION OF DETENTION. (a) Requires a peace officer to immediately file with a health facility, or the local health authority or TDH if the individual is detained at a location under Section 81.0891(d)(2), a notification of detention after transporting an individual to that facility or location under Section 81.0891.

(b) Requires that the notification of detention contain certain information from the peace officer and sets forth the information to be contained in the notification of detention.

(c) Requires that, if the individual is detained at a health facility under Section 81.0891(d)(1), the facility in which the individual is detained include in the detained individual's file the notification of detention described by this section.

(d) Requires the peace officer to give the notification of detention on a certain form. Sets forth the form and the language to be used in the form.

(e) Prohibits a health facility, a local health authority, or TDH from requiring a peace officer to execute any form other than the form provided by Subsection (d) as a condition of accepting for temporary admission an individual detained under Section 81.0891.

Sec. 81.0893. ACCEPTANCE OF PERSON. Requires that a health facility temporarily accept an individual for whom a peace officer files a notification of detention under Section 81.0892(a).

Sec. 81.0894. RELEASE FROM DETENTION. (a) Provides that an individual detained under Section 81.0891 is authorized to be detained in custody for not longer than 48 hours after the time the individual is presented to the health facility or location unless a written order for further custody or detention is obtained under Subchapter G.

(b) Provides that if the 48-hour period ends on a Saturday, Sunday, legal holiday, or before 4 p.m. on the first succeeding business day, the individual is authorized to be detained until 4 p.m. on the first succeeding business day. Provides that if the 48-hour period ends at a different time, the individual is authorized to be detained only until 4 p.m. on the day the 48-hour period ends.

(c) Authorizes the presiding judge or magistrate, if extremely hazardous weather conditions exist or a disaster occurs, to by written order made each day, extend by an additional 24 hours the period during which the individual is authorized to be detained. Requires that the written order declare that an emergency exists because of the weather or the occurrence of a disaster.

Sec. 81.0895. RIGHTS OF INDIVIDUALS DETAINED. (a) Provides that an individual subject to emergency detention under Section 81.0891 has the right:

(1) to be advised of the location of detention, the reasons for the detention, and the fact that the detention could result in a longer period of court-ordered management;

(2) to a reasonable opportunity to communicate with and retain an attorney;

(3) to be released from a facility as provided by Section 81.0894;

(4) to be advised that communications with a health professional, local health authority, or TDH may be used in proceedings for further detention; and

(5) to a reasonable opportunity to communicate with a relative or other responsible person who has a proper interest in the individual's welfare.

(b) Requires that an individual detained under Section 81.0891:

(1) immediately be informed, orally in simple, nontechnical terms, of the individual's rights under this section by the peace officer at the time the peace officer takes the individual into custody under Section 81.0891; and

(2) not later than 24 hours after the time the individual is admitted to a health facility or detained in another location, as applicable, be informed of the rights provided by this section and this subchapter:

(A) orally in simple, nontechnical terms and in writing in the person's primary language, if possible; or

(B) through the use of a means reasonably calculated to communicate with a hearing or visually impaired individual, if applicable.

(c) Requires the executive commissioner of the Health and Human Services Commission by rule to prescribe the manner in which the individual is informed of the individual's rights under this subchapter.

SECTION 23. Amends the heading to Subchapter G, Chapter 81, Health and Safety Code, to read as follows:

SUBCHAPTER G. COURT ORDERS FOR MANAGEMENT OF PERSONS WHO ARE INFECTED WITH, EXPOSED TO, OR CARRIERS OF COMMUNICABLE DISEASES

SECTION 24. Amends Section 81.151(e), Health and Safety Code, as follows:

(e) Provides that a single application may be filed for a group if:

(1) TDH or the health authority reasonably suspects that a group of five or more persons are infected with, have been exposed to, or are carriers of a communicable disease, rather than a group of five or more persons has been exposed to or infected with a communicable disease; and

(2) each person in the group meets the criteria of this chapter for court orders for the management of a person who is infected with, has been exposed to, or is a carrier of a communicable disease.

SECTION 25. Amends Section 81.1511, Health and Safety Code, as follows:

Sec. 81.1511. **APPLICABILITY OF SUBCHAPTER TO GROUP.** Provides that to the extent possible, and except as otherwise provided, if a group application is filed under Section 81.151(e), the provisions of this subchapter apply to the group in the same manner as they apply to an individual, except that:

(1) Changes a reference regarding the conduct or status of a person to the condition or status of a person;

(2)-(4) Makes no change to these subdivisions.

SECTION 26. Amends Section 81.152, Health and Safety Code, as follows:

Sec. 81.152. **FORM OF APPLICATION.** (a) Requires that an application for a court order for the management of a person who is infected with, has been exposed to, or is a

carrier of a communicable disease be styled using the person's initials and not the person's full name.

(b) Requires that the application state whether the applicant is for temporary or extended management of a person who is infected with, has been exposed to, or is a carrier of a communicable disease.

(c) Requires that any application contain the following information according to the applicant's information and belief:

(1) and (2) Makes no change to these subdivisions;

(3) a statement that the person is infected with, has been exposed to, or is the carrier of or is reasonably suspected of being infected with, having been exposed to, or being the carrier of a communicable disease that presents a threat to public health and that the person meets the criteria of this chapter for court orders for the management of a person with a communicable disease; and

(4) Makes no change to this subdivision.

(d) Requires that a group allocation contain the following information according to the applicant's information and belief:

(1) Makes no change to this subdivision;

(2) a narrative of how the members of the group have become infected with, were exposed to, or became carriers of the communicable disease, rather than a narrative of how the group has been exposed or infected;

(3)-(6) Makes no change to these subdivisions.

SECTION 27. Amends Section 81.153(a), Health and Safety Code, to require the judge to appoint an attorney to represent a person not later than the 24th hour after the time an application for a court order for the management of a person who is infected with, has been exposed to, or is the carrier of a communicable disease is filed if the person does not have an attorney.

SECTION 28. Amends Section 81.158(a), Health and Safety Code, as follows:

(a) Requires that an affidavit of medical evaluation be dated and signed by the commissioner of public health (commissioner) or the commissioner's designee, or by a health authority with the concurrence of the commissioner or the commissioner's designee. Requires that the certificate include:

(1)-(6) Makes no change to these subdivisions;

(7) the opinion of the health authority or TDH and the reason for that opinion, including laboratory reports, that:

(A) the examined person is infected with, has been exposed to, or is the carrier of or is reasonably suspected of being infected with, having been exposed to, or being the carrier of a communicable disease that presents a threat to public health; and

(B) Makes a nonsubstantive change.

SECTION 29. Amends Section 81.159(a), Health and Safety Code, as follows:

(a) Requires the commissioner to designate health care facilities throughout the state that are capable of providing services for the examination, observation, isolation, or treatment

of persons having or suspected of being infected with, having been exposed to, or being a carrier of a communicable disease. Prohibits the commissioner from designating, however:

(1) and (2) Makes no change to these subdivisions.

SECTION 30. Amends Sections 81.161(a) and (c), Health and Safety Code, as follows:

(a) Requires that a motion for an order of protective custody be filed only in the court in which an application for a court order for the management of a person who is infected with, has been exposed to, or is the carrier of a communicable disease is pending.

(c) Requires that the motion state:

(1) Makes no change to this subdivision;

(2) the belief is driven from:

(A) Makes no change to this paragraph;

(B) the condition, rather than conduct, of the person who is the subject of the motion; or

(C) Makes no change to this paragraph.

SECTION 31. Amends Sections 81.162(a) and (f), Health and Safety Code, as follows:

(a) Authorizes a judge or designated magistrate to issue a protective custody order if the judge or magistrate determines:

(1) that the health authority or TDH has stated its opinion and the detailed basis for its opinion that the person is infected with, has been exposed to, or is the carrier of or is reasonably suspected of being infected with, having been exposed to, or being the carrier of a communicable disease that presents an immediate threat to the public health; and

(2) Makes no change to this subdivision.

(f) Authorizes a judge or magistrate, notwithstanding Section 81.161 (Motion for Order of Protective Custody) or Subsection (c) (requiring the judge or magistrate to only consider the application and affidavit in making determinations on the criteria of this section), to issue a temporary protective custody order before the filing of an application for a court order for the management of a person who is infected with, has been exposed to, or is a carrier of a communicable disease under Section 81.151 (Application for Court Order) if:

(1) Makes no change to this subdivision; and

(2) Makes a nonsubstantive change.

SECTION 32. Amends Section 81.165(a), Health and Safety Code, as follows:

(a) Requires that a hearing be held to determine if:

(1) Makes a nonsubstantive change;

(2) the health authority or TDH has stated its opinion and the detailed basis for its opinion that the person is infected with, has been exposed to, or is the carrier of or is reasonably suspected of being infected with, having been exposed to, or being

the carrier of a communicable disease that presents an immediate threat to public health.

SECTION 33. Amends Section 81.166(d), Health and Safety Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, to amend the notification of probable cause hearing to include certain language. Sets forth the language to be used in the notification form.

SECTION 34. Amends Section 81.167(a), Health and Safety Code, to require the head of a facility or the facility head's designee to detain a person under a protective custody order in the facility pending a court order for the management of a person who is infected with, has been exposed to, or is a carrier of a communicable disease until the person is released or discharged under Section 81.168 (Release From Detention).

SECTION 35. Amends Section 81.168(c), Health and Safety Code, as follows:

(c) Requires the head of a facility to discharge a person held under protective custody order if:

(1) Makes no change to this subdivision;

(2) a final court order for the management of a person who is infected with, has been exposed to, or is a carrier of a communicable disease has not been entered within the time prescribed by Section 81.154 (Setting on Application); or

(3) Makes no change to this subdivision.

SECTION 36. Amends Section 81.169(a), Health and Safety Code, to require the judge, except as provided by Subsection (b) (requiring that the hearing on the application, on request of the person or the person's attorney, be held in the county courthouse), to hold a hearing on application for a court order for the management of a person who is infected with, has been exposed to, or is a carrier of a communicable disease at any suitable location in the county.

SECTION 37. Amends Section 81.170(f), Health and Safety Code, to require the jury to determine if the person is infected with, has been exposed to, or is the carrier of or is reasonably suspected of being infected with, having been exposed to, or being the carrier of a communicable disease that presents a threat to the public health and, if the application is for inpatient treatment, has refused or failed to follow the orders of the health authority.

SECTION 38. Amends Section 81.171(a), Health and Safety Code, as follows:

(a) Requires the court to enter an order denying an application for a court order for temporary or extended management if after a hearing the judge or jury fails to find, from clear and convincing evidence, that the person:

(1) is infected with, has been exposed to, or is the carrier of or is reasonably suspected of being infected with, having been exposed to, or being the carrier of a communicable disease that presents a threat to the public health;

(2) Makes no change to this subdivision; and

(3) meets the applicable criteria for orders for the management of a person who is infected with, has been exposed to, or is a carrier of a communicable disease.

SECTION 39. Amends Section 81.172(a), Health and Safety Code, as follows:

(a) Authorizes the judge or jury to determine that a person requires court-ordered examination, observation, isolation, or treatment only if the judge or jury finds, from clear and convincing evidence, that:

(1) the person is infected with, has been exposed to, or is the carrier of or is reasonably suspected of being infected with, having been exposed to, or being the carrier of a communicable disease that presents a threat to the public health and, if the application is for inpatient treatment, has failed or refused to follow the orders of the health authority or TDH; and

(2) Makes a nonsubstantive change.

SECTION 40. Amends Section 81.174(a), Health and Safety Code, as follows:

(a) Requires the judge to dismiss the jury, if any, after a hearing in which a person is found:

(1) to be infected with, to have been exposed to, or to be the carrier of or to be reasonably suspected of being infected with, having been exposed to, or being a carrier of a communicable disease;

(2) Makes no change to this subdivision; and

(3) to meet the criteria for orders for the management of a patient who is infected with, has been exposed to, or is a carrier of a communicable disease.

SECTION 41. Amends Section 81.176, Health and Safety Code, as follows:

Sec. 81.176. DESIGNATION OF FACILITY. Requires the court, in a court order for the temporary or extended management of a person who is infected with, has been exposed to, or is a carrier of a communicable disease specifying inpatient care, to commit the person to a health care facility designated by the commissioner or a health authority in accordance with Section 81.159 (Designation of Facility).

SECTION 42. Amends Section 81.183(b), Health and Safety Code, to require that the notice (relating to a copy of the application and written notice of the time and place of the hearing) comply with the requirements of Section 81.155 (Notice) for notice before a hearing on an application for court orders for the management of a person who is infected with, has been exposed to, or is a carrier of a communicable disease.

SECTION 43. Amends Section 81.186(a), Health and Safety Code, as follows:

(a) Authorizes the court to modify an order for outpatient services at the modification hearing if the court determines that the person continues to meet the applicable criteria for court orders for the management of a person who is infected with, has been exposed to, or is a carrier of a communicable disease that:

(1) and (2) Makes no change to these subdivisions.

SECTION 44. Amends Section 81.188(a), Health and Safety Code, to authorize the court to set aside an order for the management of a person who is infected with, has been exposed to, or is a carrier of a communicable disease and grant a motion for rehearsing for good cause shown.

SECTION 45. Amends Section 81.190(d), Health and Safety Code, to require that the hearing be held in accordance with the requirements for a hearing on an application for a court order for the management of a person who is infected with, has been exposed to, or is a carrier of a communicable disease.

SECTION 46. Amends Section 81.191(a), Health and Safety Code, to require that an appeal from an order for the management of a person who is infected with, has been exposed to, or is a carrier of a communicable disease, be filed in the court of appeals for the county in which the order is entered.

SECTION 47. Amends Section 81.193(a), Health and Safety Code, to authorize the head of a facility to permit a person admitted to the facility under order for extended inpatient management of a person who is infected with, has been exposed to, or is a carrier of a communicable disease to leave the facility under a pass.

SECTION 48. Amends Chapter 81, Health and Safety Code, by adding Subchapter J, as follows:

SUBCHAPTER J. STATEWIDE INFECTIOUS DISEASE CONTROL MEASURES;
PREPARATION

Sec. 81.401. PERSONAL PROTECTIVE EQUIPMENT. (a) Defines “personal protective equipment.”

(b) Requires TDH to establish a stockpile, or regional stockpiles, of personal protective equipment to support responses to infectious disease emergencies in the state, if funds are appropriated for the purposes of this section.

SECTION 49. Amends Section 1001.201, Health and Safety Code, effective September 1, 2015, as added by Chapter 1306 (H.B. 3793), Acts of the 83rd Legislature, Regular Session, 2013, by adding Subdivisions (4) and (5) to define "school district employee" and "school resource officer."

SECTION 50. Amends Subchapter H, Chapter 1001, Health and Safety Code, effective September 1, 2015, as added by Chapter 1306 (H.B. 3793), Acts of the 83rd Legislature, Regular Session, 2013, by adding Section 1001.2015, as follows:

Sec. 1001.2015. LIMITATION ON GRANTS. Authorizes the Department of State Health Services (DSHS), for each state fiscal year, to give to a local mental health authority in the form of grants under Sections 1001.202 (General Powers and Duties) and 1001.203 (Grants) an amount that may not exceed the lesser of:

(1) three percent of the total amount appropriated to DSHS for making grants under those sections; or

(2) \$70,000.

SECTION 51. Amends Section 1001.202(b), Health and Safety Code, effective September 1, 2015, as added by Chapter 1306 (H.B. 3793), Acts of the 83rd Legislature, Regular Session, 2013, as follows:

(b) Requires DSHS to make each grant to a local mental health authority under this section in an amount equal to \$1,000 times the number of employees or contractors of the authority whose training as mental health first aid trainers will be paid by the grant.

Deletes existing text providing that Subsection (c) is an exception to Subsection (b).

SECTION 52. Amends Sections 1001.203(a) and (c), Health and Safety Code, effective September 1, 2015, as added by Chapter 1306 (H.B. 3793), Acts of the 83rd Legislature, Regular Session, 2013, as follows:

(a) Requires DSHS, to the extent funds are appropriated to DSHS for that purpose, to make grants to local mental health authorities to provide an approved mental health first aid training program, administered by mental health first aid trainers, at no cost to school district employees and school resource officers, rather than educators.

(c) Requires DSHS to grant \$100 to a local mental health authority for each school district employee or school resource officer who successfully completes a mental health first aid training program provided by the authority under this section.

Deletes existing text requiring DSHS, subject to the limit provided by Subsection (b), out of the funds appropriated to DSHS for making grants under this section, to grant \$100 to a local mental health authority for each educator who successfully completes a mental health first aid training program provided by the authority under this section.

SECTION 53. Amends Subchapter H, Chapter 1001, Health and Safety Code, effective September 1, 2015, as added by Chapter 1306 (H.B. 3793), Acts of the 83rd Legislature, Regular Session, 2013, by adding Section 1001.2031, as follows:

Sec. 1001.2031. SUPPLEMENTAL GRANTS FOR TRAINING CERTAIN EDUCATORS IN MENTAL HEALTH FIRST AID. Authorizes DSHS, for each state fiscal year, to allocate any unobligated money appropriated for making grants under Sections 1001.202 and 1001.203 for supplemental grants. Authorizes DSHS to give a supplemental grant to a local mental health authority that submits to DSHS a revised plan as provided under Section 1001.204 (Annual Report) that demonstrates how the additional grant money would be used if made available to the authority.

SECTION 54. Amends Section 1001.204(a), Health and Safety Code, effective September 1, 2015, as added by Chapter 1306 (H.B. 3793), Acts of the 83rd Legislature, Regular Session, 2013, to require the authority to submit to DSHS a plan demonstrating the manner in which grants made to the authority under that section will be used to meet criteria set forth in this subsection not later than July 1, rather than October 1, of each state fiscal year for which a local mental health authority will seek a grant from DSHS under Section 1001.203.

SECTION 55. Amends Section 1001.205, Health and Safety Code, effective September 1, 2015, as added by Chapter 1306 (H.B. 3793), Acts of the 83rd Legislature, Regular Session, 2013, as follows:

Sec. 1001.205. REPORTS. (a) Requires a local mental health authority, not later than September 30, rather than July 1, of each year, to provide to DSHS the number of:

- (1) employees and contractors of the authority who were trained as mental health first aid trainers under Section 1001.202 during the preceding fiscal year;
- (2) educators, school district employees other than educators, and school resource officers who completed a mental health first aid training program offered by the authority under Section 1001.203 during the preceding fiscal year, rather than calendar year; and
- (3) individuals who are not school district employees or school resource officers, rather than are not educators, who completed a mental health first aid training program offered by the authority during the preceding fiscal year. Makes a conforming change.

(b) Requires DSHS, not later than December 1, rather than August 1, of each year, to compile the information submitted by local mental health authorities as required by Subsection (a) and submit a report to the legislature containing the number of:

- (1) authority employees and contractors trained as mental health first aid trainers during the preceding fiscal year;
- (2) educators, school district employees other than educators, and school resource officers who completed a mental health first aid training program provided by an authority during the preceding fiscal year, rather than calendar year; and
- (3) individuals who are not school district employees or school resource officers, rather than are not educators, who completed a mental health first

aid training program provided by an authority during the preceding fiscal year, rather than calendar year.

SECTION 56. Amends Section 11.1825, Tax Code, by amending Subsections (s) and (v) and adding Subsection (z), as follows:

- (s) Adds a reference to Subsection (z) and makes no further change to this subsection.
- (v) Adds an exception under Subsection (z) and makes no further change to this subsection.
- (z) Entitles an owner of real property described by Subsection (f)(1) (requiring an organization, for property to be exempt under this section, to own the property for the purpose of renting the housing to individuals or families with a certain median income) or (2) (requiring an organization, for property to be exempt under this section, to own the property for the purpose of selling single-family dwellings to individuals or families with a certain median income), notwithstanding any other provision of this section, to an exemption under this section from taxation of 100 percent of the appraised value of the property regardless of whether the owner meets the requirements of Subsection (b) (relating to the requirements an organization must meet in order to receive an exemption under this section) or of Subsections (c) (entitling a certain real property owner to an exemption from taxation of property under this section if the property otherwise qualifies for the exemption and the owner meets certain criteria) and (d) (requiring the property owner, if the property owner is a certain entity, to meet certain requirements) entitled to such an exemption if:

- (1) the owner is exempt from federal income taxation under Section 501(a), Internal Revenue Code of 1986, as amended, by being listed as an exempt entity under Section 501(c)(3) of that code and the owner otherwise qualifies for an exemption for the property under this section;

- (2) the property was previously owned by a local government corporation created by a municipality under Chapter 431 (Texas Transportation Corporation Act), Transportation Code, or Chapter 394 (Housing Finance Corporations In Municipalities and Counties), Local Government Code, or a predecessor statute for purposes that include promoting, developing, encouraging, and maintaining affordable housing in a tax increment financing reinvestment zone created by the municipality under Chapter 311 (Tax Increment Financing Act), Tax Code; and

- (3) the property is located in a county with a population of at least four million.

SECTION 57. (a) Defines "task force."

- (b) Provides that the Task Force to Study Population Growth in Texas (task force) is established for the purposes of assessing the effects of population growth on counties in this state relating to housing, businesses, available land resources, the state's economy, health care services, and county jails.

- (c) Provides that the task force is composed of the nine members set forth in this subsection.

- (d) Requires the members of the task force to elect a presiding officer from among the membership.

- (e) Requires the offices of the governor, lieutenant governor, and speaker of the house of representatives to provide staff support to the task force.

- (f) Requires the task force to hold public hearings to achieve the purposes described by Subsection (b) of this section.

(g) Provides that a member of the task force is not entitled to receive compensation for service on the task force but is entitled to reimbursement of the travel expenses incurred by the member while conducting the business of the task force.

(h) Authorizes the task force to accept gifts and grants from any source to be used to carry out a function of the task force.

(i) Requires the task force, not later than November 1, 2016, to submit a final report to the governor, the lieutenant governor, the speaker of the house of representatives, and the appropriate standing committees of the legislature. Requires that the report include a summary and analysis of the criteria set forth in this subsection.

(j) Requires the governor, the lieutenant governor, and the speaker of the house of representatives to make the appointments to the task force as described under Subsection (c) of this section not later than December 1, 2015.

(k) Provides that the task force is abolished and this section expires August 31, 2017.

SECTION 58. Provides that the changes in law made by this Act amending Chapter 55 (Expunction of Criminal Records), Code of Criminal Procedure, and in amending Section 124.001(b), Government Code, apply to the expunction of an arrest records and files for an arrested person who successfully completes a veterans treatment court program under Chapter 124, Government Code, or former law, before, on, or after September 1, 2015, regardless of when the underlying arrest occurred.

SECTION 59. Requires the court, for a person who is arrested for a Class B or Class C misdemeanor and who is entitled to expunction under Article 55.01(a)(2)(A)(ii)(a), Code of Criminal Procedure, as added by this Act, based on a successful completion of a veterans treatment court program under Chapter 124, Government Code, or former law, before the effective date of this Act, notwithstanding the 30-day time limit provided for the court to enter an automatic order of expunction under Section 1a(a-1), Article 55.02, Code of Criminal Procedure, as added by this Act, to enter an order of expunction for the person as soon as practicable after the court receives written notice from any party to the case about the person's entitlement to the expunction.

SECTION 60. Provides that the change in law made by this Act by adding Sections 124.001(c) and (d), Government Code, and amending Section 124.002, Government Code, applies to a person who, on or after September 1, 2015, enters a veterans treatment court program under Chapter 124, Government Code, regardless of whether the person committed the offense for which the person enters the program before, on, or after the effective date of this Act.

SECTION 61. Provides that the change in law made by this Act in adding Section 124.006, Government Code, applies to a person who, on or after September 1, 2015, is under the supervision of a veterans treatment court program.

SECTION 62. Provides that Section 11.1825, Tax Code, as amended by this Act, applies only to ad valorem taxes imposed for a tax year beginning on or after January 1, 2016.

SECTION 63. Repealer, effective September 1, 2015: Section 21.044(c-2) (relating to academic qualification instructions), Education Code.

Repealer, effective September 1, 2015: Section 1001.202(c) (authorizing DSHS to adopt rules), Health and Safety Code, as added by Chapter 1306 (H.B. 3793), Acts of the 83rd Legislature, Regular Session, 2013.

Repealer, effective September 1, 2015: Section 1001.203(b) (relating to a grant program established by DSHS), Health and Safety Code, as added by Chapter 1306 (H.B. 3793), Acts of the 83rd Legislature, Regular Session, 2013.

Repealer, effective September 1, 2015: Section 250.006(b) (relating to graffiti removal),
Local Government Code.

SECTION 64. Provides that, to the extent of any conflict, this Act prevails over another Act of the 84th Legislature, Regular Session, 2015, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 65. Effective date: upon passage or September 1, 2015.