

CHAPTER 488

S.B. No. 252

AN ACT

relating to continuity of care programs for offenders in the criminal justice system who are mentally impaired, elderly, physically disabled, terminally ill, or significantly ill.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Chapter 614, Health and Safety Code, is amended by adding Sections 614.013 through 614.016 to read as follows:

Sec. 614.013. CONTINUITY OF CARE FOR OFFENDERS WITH MENTAL IMPAIRMENTS. (a) *The Texas Department of Criminal Justice, the Texas Department of Mental Health and Mental Retardation, and representatives of local mental health or mental retardation authorities appointed by the commissioner of the Texas Department of Mental Health and Mental Retardation by rule shall adopt a memorandum of understanding that establishes their respective responsibilities to institute a continuity of care and service program for offenders with mental impairments in the criminal justice system. The council shall coordinate and monitor the development and implementation of the memorandum of understanding.*

(b) *The memorandum of understanding must establish methods for:*

- (1) *identifying offenders with mental impairments in the criminal justice system;*
- (2) *developing interagency rules, policies, and procedures for the coordination of care of and the exchange of information on offenders with mental impairments by local and state criminal justice agencies, the Texas Department of Mental Health and Mental Retardation, and local mental health or mental retardation authorities; and*
- (3) *identifying the services needed by offenders with mental impairments to reenter the community successfully.*

(c) *The Texas Department of Criminal Justice, the Texas Department of Mental Health and Mental Retardation, and local mental health or mental retardation authorities shall:*

- (1) *operate the continuity of care and service program for offenders with mental impairments in the criminal justice system with funds appropriated for that purpose; and*
- (2) *actively seek federal grants or funds to operate and expand the program.*

Sec. 614.014. CONTINUITY OF CARE FOR ELDERLY OFFENDERS. (a) *The Texas Department of Criminal Justice, the Texas Department of Human Services, and the Texas Department on Aging by rule shall adopt a memorandum of understanding that establishes their respective responsibilities to institute a continuity of care and service program for elderly offenders in the criminal justice system. The council shall coordinate and monitor the development and implementation of the memorandum of understanding.*

(b) *The memorandum of understanding must establish methods for:*

- (1) *identifying elderly offenders in the criminal justice system;*
- (2) *developing interagency rules, policies, and procedures for the coordination of care of and the exchange of information on elderly offenders by local and state criminal justice agencies, the Texas Department of Human Services, and the Texas Department on Aging; and*
- (3) *identifying the services needed by elderly offenders to reenter the community successfully.*

(c) *The Texas Department of Criminal Justice, the Texas Department of Human Services, and the Texas Department on Aging shall:*

- (1) *operate the continuity of care and service program for elderly offenders in the criminal justice system with funds appropriated for that purpose; and*
- (2) *actively seek federal grants or funds to operate and expand the program.*

Sec. 614.015. CONTINUITY OF CARE FOR PHYSICALLY DISABLED, TERMINALLY ILL, OR SIGNIFICANTLY ILL OFFENDERS. (a) *The Texas Department of Criminal Justice, the Texas Rehabilitation Commission, the Texas Commission for the Blind, the Texas Commission for the Deaf and Hearing Impaired, the Texas Department of Health, and the Texas Department of Human Services by rule shall adopt a memorandum of understanding that establishes their respective responsibilities to institute a continuity of care and service program for offenders in the criminal justice system who are physically disabled, terminally ill, or significantly ill. The council shall coordinate and monitor the development and implementation of the memorandum of understanding.*

(b) *The memorandum of understanding must establish methods for:*

(1) identifying offenders in the criminal justice system who are physically disabled, terminally ill, or significantly ill;

(2) developing interagency rules, policies, and procedures for the coordination of care of and the exchange of information on offenders who are physically disabled, terminally ill, or significantly ill by local and state criminal justice agencies, the Texas Department of Criminal Justice, the Texas Rehabilitation Commission, the Texas Commission for the Blind, the Texas Commission for the Deaf and Hearing Impaired, the Texas Department of Health, and the Texas Department of Human Services; and

(3) identifying the services needed by offenders who are physically disabled, terminally ill, or significantly ill to reenter the community successfully.

(c) The Texas Department of Criminal Justice, the Texas Rehabilitation Commission, the Texas Commission for the Blind, the Texas Commission for the Deaf and Hearing Impaired, the Texas Department of Health, and the Texas Department of Human Services shall:

(1) operate, with funds appropriated for that purpose, the continuity of care and service program for offenders in the criminal justice system who are physically disabled, terminally ill, or significantly ill; and

(2) actively seek federal grants or funds to operate and expand the program.

Sec. 614.016. CONTINUITY OF CARE FOR CERTAIN OFFENDERS BY LAW ENFORCEMENT AND JAILS. (a) The council, the Commission on Law Enforcement Officer Standards and Education, and the Commission on Jail Standards by rule shall adopt a memorandum of understanding that establishes their respective responsibilities to institute a continuity of care and service program for offenders in the criminal justice system who are mentally impaired, elderly, physically disabled, terminally ill, or significantly ill.

(b) The memorandum of understanding must establish methods for:

(1) identifying offenders in the criminal justice system who are mentally impaired, elderly, physically disabled, terminally ill, or significantly ill;

(2) developing procedures for the exchange of information relating to offenders who are mentally impaired, elderly, physically disabled, terminally ill, or significantly ill by the council, the Commission on Law Enforcement Officer Standards and Education, and the Commission on Jail Standards for use in the continuity of care and services program; and

(3) adopting rules and standards that assist in the development of a continuity of care and services program for offenders who are mentally impaired, elderly, physically disabled, terminally ill, or significantly ill.

SECTION 2. Section 614.009, Health and Safety Code, is amended to read as follows:

Sec. 614.009. REPORT. Not later than February 1 of each odd-numbered year, the council shall file with the governor, lieutenant governor, and speaker of the house of representatives a report giving the details of the council's activities during the preceding biennium. The report must include:

(1) an evaluation of any demonstration project undertaken by the council;

(2) an evaluation of the council's progress toward developing a plan for meeting the treatment, rehabilitative, and educational needs of offenders with special needs [mental impairments];

(3) recommendations of the council made in accordance with Section 614.007(5); [and]

(4) an evaluation of the development and implementation of the continuity of care and service programs established under Sections 614.013, 614.014, 614.015, and 614.016, changes in rules, policies, or procedures relating to the programs, future plans for the programs, and any recommendations for legislation; and

(5) any other recommendations that the council considers appropriate.

SECTION 3. Sections 501.091, 501.092, and 501.094, Government Code, are repealed.

SECTION 4. This Act takes effect September 1, 1993.

SECTION 5. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the

constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed the Senate on May 3, 1993, by a viva-voce vote; passed the House on May 22, 1993, by a non-record vote.

Approved June 3, 1993.

Effective Sept. 1, 1993.