

## **BILL ANALYSIS**

H.B. 3859  
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Urban Affairs  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

It has been noted that police officers and firefighters have physically and mentally demanding jobs in which they frequently encounter stressful and traumatic events. H.B. 3859 seeks to improve police officer and firefighter mental health by providing for mental health assessment programs for certain municipal police and fire departments.

### **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 this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 3859 amends the Local Government Code to require each municipal police and fire department of a municipality with a population of two million or more to establish and operate a mental health assessment program to provide a mental health assessment for police officers or firefighters involved in a critical incident. The bill requires a municipal police or fire department to require a police officer or firefighter involved in a critical incident to participate in the program and receive a mental health assessment not later than the 10th day after the date of the critical incident. The bill requires the department to adopt a written policy defining a critical incident that includes the discharge of a weapon that results in the death or serious injury of an individual and witnessing the death or serious injury of a police officer or firefighter while in the line of duty. The bill requires the program to provide a mental health assessment that is conducted by a licensed psychologist, licensed master social worker, or another licensed mental health care professional determined appropriate by the municipal police or fire department and that is evidence-based and includes a suicidal ideation evaluation. The bill prohibits a municipal police or fire department from terminating or retaliating against a police officer or firefighter for participating in the program. The bill makes a mental health assessment provided under the program confidential and requires a municipal police or fire department to adopt a written policy that ensures an authorized disclosure of confidential information relating to a probability of imminent or immediate injury does not result in the termination of or retaliation against the police officer or firefighter who is the subject of the disclosure. The bill authorizes a mental health professional conducting the mental health assessment to notify the department of a scheduled assessment and the completion of the assessment for purposes of ensuring program participation.

**EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2019.