

SUBJECT: Modifying reporting on offenders with mental impairments

COMMITTEE: Corrections — favorable, without amendment

VOTE: 8 ayes — Haggerty, Farrar, Allen, Hodge, Ellis, Gray, Hopson, Isett
0 nays
1 absent — Ritter

SENATE VOTE: On final passage, March 29 — 30-0, on Local and Uncontested Calendar

WITNESSES: For — Joe Lovelace, National Alliance for the Mentally Ill
Against — None
On — Dee Kifowit, Texas Council on Offenders with Mental Impairments

BACKGROUND: Health and Safety Code, sec. 614.013 provides for continuity of care for offenders with mental impairments. The Texas Department of Criminal Justice (TDCJ), the Texas Department of Mental Health and Mental Retardation (TDMHMR), representatives of local mental health or mental retardation authorities appointed by the TDMHMR commissioner, and the directors of community supervision and corrections departments (CSCDs) are required to adopt by rule a “memorandum of understanding” to establish their respective responsibilities to institute a continuity of care and service program for offenders in the criminal justice system with mental impairments. The Texas Council on Offenders with Mental Impairments (TCOMI) must coordinate and monitor the development and implementation of the memorandum of understanding.

The memorandum of understanding must establish methods for:

- ! identifying offenders in the criminal justice system who have mental impairments;
- ! developing interagency rules, policies, and procedures for the coordination of care of offenders with mental impairments and the

- exchange of information on them by local and state criminal justice agencies, TDMHMR, and local mental health or mental retardation authorities; and
- ! identifying the services offenders with mental impairments need to reenter the community successfully.

TDCJ, TDMHMR, local mental health or mental retardation authorities, and CSCDs must operate the continuity of care and service program for offenders in the criminal justice system who have mental impairments with funds appropriated for that purpose and to actively seek federal grants or funds to operate and expand the program.

DIGEST:

SB 644 would amend Health and Safety Code, sec. 614.013 to strike the requirement that the memorandum of understanding be adopted by rule. The memorandum of understanding would have to establish methods for:

- ! collecting and reporting data to TCOMI on the prevalence rate of offenders with mental impairments;
- ! developing interagency rules, policies, procedures, and standards for the coordination of care of offenders with mental impairments and the exchange of information on them by local and state criminal justice agencies, TDMHMR, and local mental health or mental retardation authorities, the Commission on Jail Standards, and local jails; and
- ! establishing a process to report implementation activities to TCOMI.

SB 644 would require local and state criminal justice agencies to contract with local mental health or mental retardation authorities whenever possible to maximize Medicaid funding and improve on the continuity of care and service programs for offenders in the criminal justice system who had mental impairments.

The bill would require TCOMI, in coordination with state criminal justice agencies, TDMHMR, and the Commission on Jail Standards, to develop a standardized process for collecting and reporting the outcomes by local and state criminal justice agencies and local and state mental health or mental retardation authorities of implementing the memorandum of understanding. The findings of these reports would have to be submitted to TCOMI by

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September 1 of each even-numbered year and be included in recommendations to the Legislature in TCOMI's biennium report.

SB 644 would take effect on September 1, 2001.