

SUBJECT: Making certain TCOOMMI juvenile programs permissive if no funds

COMMITTEE: Corrections — committee substitute recommended

VOTE: 6 ayes — Madden, Cain, Hunter, Perry, White, Workman
0 nays
3 absent — Allen, Marquez, Parker

WITNESSES: For — None

Against — Jodie Smith, Texans Care for Children; (*Registered but did not testify*: Jane Ehinmoro, Texas Criminal Justice Coalition)

On — Ross Robinson, Department of State Health Services; Cheryl Townsend, Texas Youth Commission; Dee Wilson, Texas Department of Criminal Justice; (*Registered but did not testify*: Joe Lovelace, Texas Council of Community Centers; Vicki Spriggs, Texas Juvenile Probation Commission)

BACKGROUND: Health and Safety Code, ch. 614 establishes the Texas Correctional Office on Offenders with Medical or Mental Impairments (TCOOMMI). The duties of the office, which is part of the Texas Department of Criminal Justice, include helping ensure criminal offenders get continuity of care for mental health needs from arrest to postincarceration and helping obtain mental health-related case management, counseling, and medication for juvenile and adult offenders.

Health and Safety Code, sec. 614.019(a) authorizes the office to work with other state entities to establish and maintain programs to address prevention, intervention, and continuity of care for juveniles with mental health and substance abuse disorders. Sec. 614.020 authorizes TCOOMMI to establish and maintain in Tarrant County a treatment program for certain youths with severe and persistent mental illness.

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DIGEST: CSHB 2119 would require TCOOMMI to provide services or programs to juveniles under Health and Safety Code, secs. 614.019(a) and 614.020 only if the Legislature appropriated money specifically for those purposes. If the Legislature did not appropriate money specifically for those purposes, the office could, but would not be required to, provide the service or program using other appropriations.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2011.

SUPPORTERS SAY: CSHB 2119 is needed to give clear direction to TCOOMMI that it does not have to establish a Tarrant County pilot program or a collaborative state agency program dealing with juveniles with mental health needs. Currently, the statutes make TCOOMMI's provision of these programs permissive, and they have never been funded or operational. This bill would clarify that these programs would be provided only if TCOOMMI got funding for them. Since these programs have never operated, the bill would make no change in current practices.

CSHB 2119 would not affect TCOOMMI's provision of continuity of care programs for juvenile offenders in fiscal 2012-13, which it would continue under its statutory mandate. The office would continue in fiscal 2012-13 its provision of services, such as case management, counseling, and medication, for juvenile offenders only if it is appropriated funds for them, but that decision will be made through the general appropriations act, not CSHB 2119. This bill is narrowly focused only on the Tarrant County pilot program and a program that would deal with juveniles with mental health needs.

OPPONENTS SAY: CSHB 2119 could be taken as encouragement to TCOOMMI to not work diligently toward identifying money in its appropriations for certain juvenile services. Juvenile mental health services are critically important, and all efforts to fund these services should be made.

NOTES: The committee substitute removed from the bill a reference to TCOOMMI's provision of a continuity of care for juvenile offenders with mental impairments.