

SUBJECT: Grants to reduce arrests, incarcerations of persons with mental illness

COMMITTEE: Public Health — committee substitute recommended

VOTE: 11 ayes — Price, Sheffield, Arévalo, Burkett, Coleman, Collier, Cortez, Guerra, Klick, Oliverson, Zedler

0 nays

SENATE VOTE: On final passage, April 20 — 31-0

WITNESSES: No public hearing

DIGEST: CSSB 292 would require the Health and Human Services Commission to establish a program to provide grants to county-based community collaboratives in order to reduce recidivism, arrest, and incarceration of individuals with mental illness. Grants also would be provided to decrease the wait time for forensic commitment of persons with mental illness to a state hospital.

To receive a grant, a community collaborative would have to include a county, a local mental health authority that operated in the county, and each hospital district, if any, in the county. It would have to provide matching funds from non-state sources. If a county had a population of less than 250,000, the matching funds would have to be at least 50 percent of the grant. For counties with populations of 250,000 or more, the matching funds would have to be 100 percent of the grant amount. If a collaborative had multiple counties, the matching funds would have to be equal to the percentage of the grant amount otherwise required for the largest county in the collaborative.

The commission would have to reserve 40 percent of funds appropriated for the program in each fiscal year for grants to collaboratives that included a county with a population of less than 250,000. If the commission had funds available in a fiscal year after distributing grants, it would be required to use a competitive process to award the funds without

this limit.

For each request for grant funds, the commission would have to estimate the number of cases of serious mental illness in low-income households in the county included in the collaborative. Low-income households would be defined to mean households with total income at or below 200 percent of the federal poverty guideline. The estimate would have to be used to determine the amounts of grants with a formula in the bill.

The bill would establish acceptable uses for the grant funds, including:

- the continuation of a mental health jail diversion program;
- the establishment or expansion of such a program;
- the establishment of alternatives to competency restoration in a state hospital;
- the provision of certain types of treatment and services;
- the establishment of a rapid response team to reduce law enforcement's involvement with mental health emergencies; and
- the provision of local community hospital, crisis, respite, or residential beds.

The bill would establish what collaboratives would have to include with petitions asking for grant funds and the deadlines for submitting petitions, awarding grants, and submitting reports on the effects of the grant money in achieving certain outcomes.

The bill would take effect September 1, 2017.

**SUPPORTERS
SAY:**

CSSB 292 would establish a statewide grant program for community collaboratives to divert appropriate offenders with mental illness from the criminal justice system. These programs could encompass a wide range of strategies, including early intervention, to reduce the number of individuals in jails with mental illness and wait times for those needing to have competency restored.

The program would be based on a successful jail diversion pilot program

operated by Harris County. Programs to divert appropriate individuals from local jails and lessen their involvement in the criminal justice system would be better for those with mental illness while easing pressure on criminal justice resources and preserving them for the most serious cases.

Community collaboratives receiving grants under the bill would promote coordination among counties, local mental health agencies, service providers, and other entities. The bill would require matching funds from the cooperatives and allow them to develop their own programs to ensure these initiatives were supported by local entities and tailored to local needs. The bill would set parameters and expectations on the grant-funded programs to make sure they were focused on the desired outcomes of reducing recidivism, frequency of arrest, and incarceration.

The grant program in the bill would be available statewide because the issues being addressed are statewide problems. The bill would reserve a portion of any funds awarded to smaller counties to ensure they were able to develop diversion programs. These counties often have scarce financial and workforce resources available to deal with these issues. The majority of the funds, however, would be apportioned statewide using a fair formula so that all Texans had access to help from the grants.

**OPPONENTS
SAY:**

The jail diversion grant program created by CSSB 292 should ensure that enough resources are focused on the state's most populous areas, which in many cases have the most substantial needs.

NOTES:

According to the Legislative Budget Board's fiscal note, the bill would have a negative impact of \$18.8 million in fiscal 2018-19. The bill would make no appropriation but could provide the legal basis for an appropriation to implement its provisions.