

- SUBJECT:** Requiring HHSC to give mental health services to certain sex offenders
- COMMITTEE:** Human Services — favorable, without amendment
- VOTE:** 6 ayes — Raymond, Klick, Miller, Minjarez, Rose, Wu
3 nays — Frank, Keough, Swanson
- SENATE VOTE:** On final passage, April 4 — 30-1 (Schwertner)
- WITNESSES:** No public hearing
- BACKGROUND:** Health and Safety Code, ch. 841 governs the civil commitment of sexually violent predators (SVPs) and requires the Texas Civil Commitment Office (TCCO) to contract with entities to provide supervised housing and sex offender treatment programs to SVPs. Sec. 841.0835 requires the Health and Human Services Commission to coordinate with TCCO to provide psychiatric services, disability services, and housing for a committed person with an intellectual or developmental disability, a mental illness, or a physical disability that prevents the person from effectively participating in TCCO's sex offender treatment program.
- Ch. 574 allows a court to issue an order for a person to receive mental health services if the person has a mental illness and presents a substantial risk of serious harm to themselves or others.
- DIGEST:** SB 613 would require the Health and Human Services Commission (HHSC) to provide inpatient mental health services for a civilly committed sexually violent predator (SVP) whom the Texas Civil Commitment Office (TCCO) determined was unable to effectively participate in its sex offender treatment program because of the person's mental illness. This would apply to SVPs whose mental illness prevented them from understanding and internalizing the concepts presented by the program's treatment material. HHSC would provide the services until the person was able to participate effectively in the sex offender treatment program.

The bill would provide that a person who was adjudicated as an SVP under the bill and who had a mental illness that prevented effective participation in TCCO's sex offender treatment program presented a substantial risk of serious harm to the person or others for the purposes of Health and Safety Code, ch. 574, which governs court-ordered mental health services.

The bill would take effect September 1, 2017.

**SUPPORTERS
SAY:**

SB 613 would clarify existing law by requiring the Health and Human Services Commission (HHSC) to provide inpatient mental health services specifically to sexually violent predators (SVPs) who were unable to participate in the Texas Civil Commitment Office's (TCCO's) sex offender treatment program due to a mental illness that prevented them from understanding the program's concepts.

The Texas Civil Commitment Center, which is the facility contracted with TCCO to provide supervised housing and sex offender treatment programs to SVPs, is not equipped to function as an inpatient psychiatric facility because it lacks staff and accreditation to treat these individuals. Some state mental health hospitals also have refused to treat SVPs that are eligible to receive inpatient mental health services. The lack of intensive psychiatric care for these individuals imposes liability risks on TCCO if SVPs harm themselves or others. Keeping offenders in a treatment program that they cannot understand or complete also may leave the state vulnerable to lawsuits challenging the program's constitutionality.

The bill would affect only a small percentage of the total available state mental health hospital beds and would not significantly impact the cost of providing state hospital services to other patients. HHSC also already has received state funding to provide inpatient mental health services. The bill is necessary for alleviating TCCO's risk of liability and for ensuring SVPs receive the specialized treatment they need.

OPPONENTS

Creating a special category of individuals who could receive inpatient

SAY: mental health services at state mental health hospitals would exclude other patients who are on hospitals' often lengthy admission waitlists and delay them from receiving mental health treatment.