

## **BILL ANALYSIS**

Senate Research Center  
2001S0214/2

S.B. 644  
By: Moncrief  
Health & Human Services  
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As Filed

### **DIGEST AND PURPOSE**

Currently, certain agencies which provide services regarding offenders with mental impairments are required to adopt a memorandum of understanding establishing their responsibilities in instituting continuity of care and service programs for those offenders. However, the memorandum presents no clear provision regarding the collection and reporting of data on offenders with mental impairments. As proposed, S.B. 644 adds requirements for the memorandum regarding the collection, reporting, coordination, and exchange of information about offenders with mental impairments. It also requires agencies to contract with local agencies whenever possible to maximize Medicaid funding.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 614.013, Health and Safety Code, by amending Subsections (a) and (b) and by adding Subsections (d) and (e), as follows:

- (a) Removes rulemaking authority to adopt a memorandum of understanding from the Texas Department of Criminal Justice, the Texas Department of Mental Health and Mental Retardation, representatives of local mental health or mental retardation authorities appointed by the commissioner of the Texas Department of Mental Health and Mental Retardation, and the directors of community supervision and corrections departments.
- (b) Requires the memorandum of understanding to establish methods for: identifying offenders with mental impairments in the criminal justice system and collecting and reporting prevalence rate data to the Texas Council on Offenders with Mental Impairments (council); developing interagency standards for the coordination of care of and informational exchanges on offenders with mental impairment by certain agencies, including the Commission on Jail Standards and local jails; and establishing a process to report implementation activities to the council.
- (d) Requires local and state criminal justice agencies, whenever possible, to contract with local mental health or mental retardation authorities to maximize Medicaid funding and improve on the continuity of care and service program for offenders with mental impairments in the criminal justice system.
- (e) Requires the council, in coordination with each state agency identified in Subsection (b)(2), to develop a standardized process for collecting and reporting the memorandum of understanding implementation outcomes by local and state criminal justice agencies and local and state mental health or mental retardation authorities. Requires the findings of these reports to be submitted to the council by September 1 of each even-numbered year and to be included in recommendations to the legislature in the council's biennium report.

SECTION 2. Effective date: September 1, 2001.