

## **BILL ANALYSIS**

Senate Research Center

S.B. 632  
By: Kolkhorst  
Health & Human Services  
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Enrolled

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Local law enforcement increasingly find themselves at the nexus of mental health issues in the state. Individuals with mental health issues often find themselves at the county jailhouse after an episode related to their condition. Law enforcement are required to conduct extensive screenings related to suicide and mental health issues and are often unaware or unable to access mental health services offered by local mental health authorities (LMHAs).

S.B. 632 seeks to promote cooperation with local law enforcement officials in order to facilitate communication between those on the front lines of our mental health issues and those who coordinate the variety of services currently offered by LMHAs. (Original Author's/Sponsor's Statement of Intent)

S.B. 632 amends current law relating to the composition of the governing bodies and the consultation policies of local mental health authorities with respect to sheriffs, their representatives, and local law enforcement agencies.

### **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 Subchapter B, Chapter 533, Health and Safety Code, by adding Section 533.0351, as follows:

Sec. 533.0351. **REQUIRED COMPOSITION OF LOCAL MENTAL HEALTH AUTHORITY GOVERNING BODY.** (a) Requires the governing body, if a local mental health authority has a governing body, to include:

(1) for a local authority that serves only one county, the sheriff of the county as an ex officio nonvoting member; and

(2) for a local authority that serves two or more counties, two sheriffs chosen in accordance with Subsection (b) as ex officio nonvoting members.

(b) Requires a local mental health authority that serves two or more counties to take the median population size of each of those counties and choose:

(1) one sheriff of a county with a population above the median population size to serve as an ex officio nonvoting member under Subsection (a); and

(2) one sheriff of a county with a population below the median population size to serve as an ex officio nonvoting member under Subsection (a).

(c) Authorizes a sheriff to designate a representative to serve in the sheriff's place as an ex officio nonvoting member under Subsection (a). Provides that, except as

provided by Subsection (c-1), a sheriff or representative of the sheriff serves as an ex officio nonvoting member under Subsection (a) for the duration of the applicable sheriff's term in office.

(c-1) Authorizes a local mental health authority to rotate the positions of ex officio nonvoting members as chosen in accordance with Subsection (b) among the other sheriffs of the counties served by the local authority. Requires a local authority to consult with each sheriff of the counties served by the local authority in rotating the positions of ex officio nonvoting members under this subsection.

(d) Prohibits a local mental health authority from barring or restricting a sheriff or representative of a sheriff who serves as an ex officio nonvoting member under Subsection (a) from speaking or providing input at a meeting of the local authority's governing body.

(e) Requires the local authority, if a local mental health authority does not have a governing body, to:

(1) for a local authority that serves only one county, consult with the sheriff of the county or a representative of the sheriff regarding the use of funds received under Section 533.035(b) (relating to disbursements to local mental health authority by the Department of State Health Services); or

(2) for a local authority that serves two or more counties, take the median population size of each of those counties and consult with both:

(A) a sheriff or a representative of a sheriff of a county with a population above the median population size regarding the use of funds received under Section 533.035(b); and

(B) a sheriff or a representative of a sheriff of a county with a population below the median population size regarding the use of funds received under Section 533.035(b).

(f) Provides that this section does not prevent a sheriff or representative of a sheriff from being included in the governing body of a local mental health authority as a voting member of the body.

**SECTION 2.** Amends Section 533.0352(d), Health and Safety Code, to include local law enforcement agencies among other specified entities that the local mental health authority is required to solicit information from and to make nonsubstantive changes.

**SECTION 3.** Amends Section 534.002, Health and Safety Code, as follows:

**Sec. 534.002. BOARD OF TRUSTEES FOR CENTER ESTABLISHED BY ONE LOCAL AGENCY.** (a) Creates Subsection (a) from existing text and provides that the board of trustees of a community center established by one local agency is composed of:

(1)–(2) makes nonsubstantive changes to these subdivisions; and

(3) a sheriff or a representative of a sheriff of a county in the region served by the community center who is appointed by the local agency's governing body to serve as an ex officio nonvoting member.

(b) Provides that, if a qualified voter appointed to a community center under Subsection (a)(2) is the sheriff of the only county in the region served by a community center, Subsection (a)(3) does not apply.

(c) Requires a local agency's governing body, if a qualified voter appointed to a community center under Subsection (a)(2) is a sheriff of a county in the region served by a community center and the region served by the community center consists of more than one county, under Subsection (a)(3) to appoint a sheriff or a representative of a sheriff from a different county in the region served by the community center.

(d) Provides that Subsection (a)(3) does not prevent a sheriff or representative of a sheriff from being included on the board of trustees of a community center as a voting member of the board.

SECTION 4. Amends Section 534.003, Health and Safety Code, by amending Subsection (a) and adding Subsections (a-1) and (a-2), as follows:

(a) Provides that, except as provided by Subsection (a-1), the board of trustees of a community center established by an organizational combination of local agencies is composed of not fewer than five or more than 13 members.

(a-1) Requires the board of trustees of a community center, in addition to the members described by Subsection (a), to include:

(1) if the region served by the community center consists of only one county, the sheriff of that county or a representative of the sheriff to serve as an ex officio nonvoting member; or

(2) if the region served by the community center consists of more than one county, sheriffs from at least two of the counties in the region served by the community center or representatives of the sheriffs to serve as ex officio nonvoting members.

(a-2) Provides that Subsection (a-1) does not prevent a sheriff or representative of a sheriff from being included on the board of trustees of a community center as a voting member of the board.

SECTION 5. Provides that, if the governing body of a local mental health authority established under Chapter 533, Health and Safety Code, or the board of trustees of a community center established under Chapter 534, Health and Safety Code, includes a sheriff or representative of a sheriff as a voting member of the governing body or board of trustees before the effective date of this Act, the sheriff or representative of the sheriff is authorized continue to serve as a voting member of the governing body or board of trustees after the effective date of this Act.

SECTION 6. Effective date: September 1, 2019.