

## **BILL ANALYSIS**

H.B. 3620  
By: Reynolds  
Corrections  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

There are concerns that short-term assistance outside of prison for formerly incarcerated individuals who suffer from a mental illness has proved inadequate in some cases and that there is a need for programs that provide mental health treatment options for individuals after incarceration to reduce recidivism. H.B. 3620 seeks to address these concerns by requiring the Health and Human Services Commission, in cooperation with the Fort Bend County Commissioners Court, to establish a pilot program in the county to be implemented by the commissioners court for the purpose of reducing recidivism and the frequency of arrests and incarceration among persons with mental illness in that county.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 3620 amends the Health and Safety Code to require the Health and Human Services Commission (HHSC), in cooperation with the Fort Bend County Commissioners Court, to establish a pilot program in the county to be implemented by the commissioners court for the purpose of reducing recidivism and the frequency of arrests and incarceration of persons with mental illness in the county. The bill requires the commissioners court to design and test through the pilot program a criminal justice mental health service model oriented toward facilitating treatment for persons with mental illness for those purposes, requires the model initially to apply the critical time intervention principle, and sets out specific elements required to be included in the model. The bill requires the commissioners court, in applying the critical time intervention principle through the pilot program, to endeavor to give persons with mental illness access to available social, clinical, housing, and welfare services during the first weeks after the person's release from jail. The bill requires the commissioners court, in designing the model, to seek input from and coordinate the provision of services with specified local entities.

H.B. 3620 requires the commissioners court, in implementing the pilot program, to ensure the program has the resources to provide mental health treatment for incarceration diversion services to not fewer than 10 individuals and requires the commissioners court to endeavor to serve each year the program operates not fewer than 10 individuals or more than 20 individuals cumulatively. The bill requires HHSC and the commissioners court, before the commissioners court implements the pilot program, to jointly establish clear criteria for identifying a target population to be served by the program and requires the criteria to prioritize serving a target

population composed of members at high risk of recidivism and with severe mental illness. The bill authorizes the commissioners court, in consultation with the specified entities, to adjust the criteria during the operation of the program provided the adjusted criteria are clearly articulated.

H.B. 3620 makes the creation of the pilot program contingent on the continuing agreement of the commissioners court to contribute to the program each year in which the program operates services for persons with mental illness equivalent in value to funding provided by the state for the program. The bill sets out certain legislative intent regarding appropriations made to fund the pilot program and authorizes the commissioners court to seek and receive gifts and grants for the benefit of the pilot program.

H.B. 3620 authorizes HHSC to make inspections of the operation of and provision of mental health treatment for incarceration diversion services through the pilot program on behalf of the state to ensure state funds appropriated for the program are used effectively. The bill requires the executive commissioner of HHSC, not later than December 1, 2020, to evaluate and submit a report concerning the effect of the pilot program in accomplishing its specified purposes to the governor, the lieutenant governor, the speaker of the house of representatives, and the presiding officers of the standing committees of the senate and house of representatives having primary jurisdiction over health and human services issues and over criminal justice issues. The bill sets out provisions relating to that evaluation and reporting requirement. The bill's provisions expire and the pilot program concludes on September 1, 2021.

#### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2019.