

AN ACT

relating to continuity of care services or mental health commitment proceedings for youth with mental illness or mental retardation who are transferred, discharged, or paroled from the Texas Youth Commission.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 61.077, Human Resources Code, is amended by adding Subsection (g) to read as follows:

(g) If a child who is mentally ill or mentally retarded is discharged from the commission under Subsection (b), the child is eligible to receive continuity of care services from the Texas Correctional Office on Offenders with Medical or Mental Impairments under Chapter 614, Health and Safety Code.

SECTION 2. Subchapter E, Chapter 61, Human Resources Code, is amended by adding Section 61.0773 to read as follows:

Sec. 61.0773. TRANSFER OF CERTAIN CHILDREN SERVING DETERMINATE SENTENCES FOR MENTAL HEALTH SERVICES. (a) The commission may petition the juvenile court that entered the order of commitment for a child for the initiation of mental health commitment proceedings if the child is committed to the commission under a determinate sentence under Section 54.04(d)(3), 54.04(m), or 54.05(f), Family Code.

(b) A petition made by the commission shall be treated as a motion under Section 55.11, Family Code, and the juvenile court

1 shall proceed in accordance with Subchapter B, Chapter 55, Family  
2 Code.

3 (c) The commission shall cooperate with the juvenile court  
4 in any proceeding under this section.

5 (d) The juvenile court shall credit to the term of the  
6 child's commitment to the commission any time the child is  
7 committed to an inpatient mental health facility.

8 (e) A child committed to an inpatient mental health facility  
9 as a result of a petition filed under this section may not be  
10 released from the facility on a pass or furlough.

11 (f) If the term of an order committing a child to an  
12 inpatient mental health facility is scheduled to expire before the  
13 end of the child's sentence and another order committing the child  
14 to an inpatient mental health facility is not scheduled to be  
15 entered, the inpatient mental health facility shall notify the  
16 juvenile court that entered the order of commitment committing the  
17 child to the commission. The juvenile court may transfer the child  
18 to the custody of the commission, transfer the child to the Texas  
19 Department of Criminal Justice, or release the child under  
20 supervision, as appropriate.

21 SECTION 3. Section 614.019, Health and Safety Code, is  
22 amended to read as follows:

23 Sec. 614.019. PROGRAMS FOR JUVENILES. (a) The office, in  
24 cooperation with the Texas Commission on Alcohol and Drug Abuse,  
25 the Texas Department of Mental Health and Mental Retardation, the  
26 Department of Protective and Regulatory Services, the Texas  
27 Juvenile Probation Commission, the Texas Youth Commission, and the

1 Texas Education Agency, may establish and maintain programs,  
2 building on existing successful efforts in communities, to address  
3 prevention, intervention, and continuity of care for juveniles with  
4 mental health and substance abuse disorders.

5 (b) A child with mental illness who is receiving continuity  
6 of care services during parole from the Texas Youth Commission and  
7 who is no longer eligible to receive services from a local mental  
8 health authority when the child becomes 17 years of age because the  
9 child does not meet the requirements of a local service area plan  
10 under Section 533.0352(a) may continue to receive continuity of  
11 care services from the office until the child completes the child's  
12 parole.

13 (c) A child with mental illness or mental retardation who is  
14 discharged from the Texas Youth Commission under Section 61.077,  
15 Human Resources Code, may receive continuity of care services from  
16 the office for a minimum of 90 days after discharge from the  
17 commission and for as long as necessary for the child to demonstrate  
18 sufficient stability to transition successfully to mental health or  
19 mental retardation services provided by a local mental health or  
20 mental retardation authority.

21 SECTION 4. Section 61.077(g), Human Resources Code, as  
22 added by this Act, and Section 614.019, Health and Safety Code, as  
23 amended by this Act, apply only to a child who is discharged or  
24 paroled from the Texas Youth Commission on or after the effective  
25 date of this Act, regardless of when the child was committed to the  
26 commission.

27 SECTION 5. Section 61.0773, Human Resources Code, as added

1 by this Act, applies only to a juvenile committed to the Texas Youth  
2 Commission for conduct that occurs on or after the effective date of  
3 this Act. Conduct violating the penal law of this state occurs on  
4 or after the effective date of this Act if any element of the  
5 violation occurs on or after that date. A juvenile committed to the  
6 Texas Youth Commission for conduct that occurs before the effective  
7 date of this Act is governed by the law in effect at the time the  
8 conduct occurred, and the former law is continued in effect for that  
9 purpose.

10 SECTION 6. This Act takes effect immediately if it receives  
11 a vote of two-thirds of all the members elected to each house, as  
12 provided by Section 39, Article III, Texas Constitution. If this  
13 Act does not receive the vote necessary for immediate effect, this  
14 Act takes effect September 1, 2009.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 4451 was passed by the House on April 29, 2009, by the following vote: Yeas 139, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 4451 on May 29, 2009, by the following vote: Yeas 144, Nays 0, 1 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 4451 was passed by the Senate, with amendments, on May 26, 2009, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor