

**Mental Health Law Legislative Updates**  
Judge David C. Newell, Texas Court of Criminal Appeals  
Judge Ryan Kellus Turner, Texas Municipal Courts Education Center  
Judicial Summit on Mental Health  
Galveston, Texas  
October 18, 2023

**OVERVIEW**

**A. S.B. 2479: Procedures for Persons with a Mental Illness or Intellectual Disability (“The JCMH Omnibus Bill”)**

Effective: September 1, 2023

- HSC, sec. 573.012: Electronic Application for Emergency Detention Warrants by Qualified Professionals at Hospitals and Mental Health Facilities
- CCP, art. 16.22: Early Identification in Class C Misdemeanor Defendants by Sheriffs and Municipal Jailers
- CCP, art. 17.03: Harmonizing Mental Health Personal Bonds with Recent Amendments
- HSC, sec. 573.012: Clarifies a Law Enforcement Officer’s Duties Upon Presenting an Individual for Mental Health Services
- HSC, sec. 574.106: Blood Draws for Patients Receiving Court-Ordered Medication

**B. S.B. 30: Supplemental Appropriations for Mental Health Grants**

Effective: June 9, 2023

\$100 million in general revenue for a mental health grant for a one-time community mental health program for county-based collaboratives:

- Construct jail diversion facilities, step-down facilities, permanent supportive housing, crisis stabilization units, and crisis respite units, not including office space; and
- Provide a local match of 25% if the collaborative includes a county with a population of less than 100,000, 50% if the collaborative includes a county with a population of at least 100,000 but less than 250,000, or 100% of the grant amount if the collaborative includes a county with a population of 250,000 or more.

Related: S.B. 26: Innovation Match Grants for Mental Health Early Intervention  
S.B. 1677: Establishing/Expanding Behavioral Health Centers of Jail Diversion Centers in Certain Mental Health Authority Service Areas

**C. Best of the Rest**

- H.B. 446: Statutory References to Intellectual Disability
- H.B. 205: Mental Health First Aid
- S.B. 63: Instruction Guide for Family Members and Caregivers of Veterans who Have Mental Health Disorders

## **D. S.B. 1585: Children with Mental Illness or Intellectual Disabilities in Juvenile Court**

Effective: September 1, 2023

Amending Chapter 55 of the Family Code (Proceedings Concerning Children with Mental Illness or Intellectual Disability), S.B. 1585 updates outdated terminology, expands a judge’s discretion to order outpatient services when available and appropriate, incorporates the Texas Health & Safety Code criteria for court-ordered mental health services into the Texas Family Code, improves the quality and value of expert examinations and reports, expands a judge’s discretion in transferring certain cases to adult criminal court, and clarifies an ambiguity wherein a youth who is found unfit to proceed or lacks responsibility for their conduct but does not meet the criteria for court ordered services.

## **E. H.B. 3186: Texas Youth Diversion & Early Intervention Act**

Effective: January 1, 2024

Beginning in 2019, the Texas Judicial Council began working with representatives of justice and municipal courts, juvenile prosecutors, and juvenile defense attorneys to propose statutory changes. The proposed changes, devised by the Texas Judicial Council’s Youth Diversion Workgroup and recommended by the Texas Judicial Council’s Criminal Justice Committee, aim to help identify at-risk youth and those living with mental illness to keep such youth from spiraling deeper into the criminal justice system while also holding them accountable. H.B. 3186 increases opportunities for early identification and redirecting children accused of certain “gateway” Class C misdemeanors. Currently, municipal and justice courts can only order diversion strategies after a case has been convicted or deferred. H.B. 3186 makes these strategies available at the beginning of a case where they can be more effective, aligning municipal and justice court practices with those used by juvenile courts. The bill also recalibrates and expands opportunities for collaboration and financial resources in both rural and urban communities in Texas. H.B. 3186 requires the adoption of a youth diversion plan for every municipal and justice court no later than January 1, 2025.

- CCP, ch. 45, subch. E: Youth Diversion in Municipal and Justice Courts
  - Objectives & Definitions
  - Applicability
  - Mandate for All Counties and Cites
- Subchapter E: Ten New Concepts
- New and Amended Funding Sources
  - Local Youth Diversion Administrative Fee (LYDAF)
  - Reimbursement from the Criminal Justice Division of the Governor’s Office
  - Shared Resources
  - Local Truancy Prevention & Diversion Fund (renamed Local Youth Diversion Fund)
  - Child Safety Fund
  - Juvenile Delinquency Prevention Funds
- Youth Diversion & Early Youth Intervention