

## **BILL ANALYSIS**

Senate Research Center  
78R11077 SLO-D

H.B. 2609  
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Health & Human Services  
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Engrossed

### **DIGEST AND PURPOSE**

In Texas, the Criminal Justice Policy Council reported that 17 percent of adults and juveniles on probation with the criminal justice system have had prior contact with the public mental health system. As Texas' public mental health system has deteriorated, a greater burden of dealing with people with serious mental illness has fallen on the criminal justice system. The criminal justice system is not designed to handle the needs of the mentally ill, nor does it adequately distinguish between criminal activity and mental illness. Texas' priority population definition for access to the public mental health system is a "danger to self or others," which combined with a lack of resources has created substantial barriers in access to treatment for mental illness.

As a result of these barriers, people with serious mental illness who are left with no where to turn frequently come into contact with police who are ill-equipped to deal with the critical situations that arise with mentally ill people. People with mental illness and/or mental retardation, who are typically non-violent offenders, are incarcerated in the state jail facilities at an average daily cost of \$37.35 per person. H.B. 2609 seeks to integrate treatment services for mental illness in the processing of cases in the judicial system, and thereby divert people with mental illness away from the criminal justice system and into treatment.

### **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 Subtitle E, Title 7, Health and Safety Code, by adding Chapter 616, as follows:

#### **CHAPTER 616. MENTAL HEALTH COURT PROGRAMS**

Sec. 616.001. **MENTAL HEALTH COURT PROGRAM DEFINED.** Defines "mental health court program."

Sec. 616.002. **AUTHORITY TO ESTABLISH PROGRAM.** Authorizes the commissioners court of a county to establish a mental health court program for persons who meet certain criteria.

Sec. 616.003. **PROGRAM.** Authorizes a mental health court program established under Section 616.002 to handle all issues arising under Articles 16.22, 17.032, and 46.02, Code of Criminal Procedure.

Sec. 616.004. **OVERSIGHT.** (a) Authorizes the lieutenant governor and the speaker of the house of representatives to assign to appropriate legislative committees duties relating to the oversight of mental health court programs established under Section 616.002.

(b) Authorizes a legislative committee or the governor to request the state auditor to perform a management, operations, or financial or accounting audit of a mental health court program established under Section 616.002.

Sec. 616.005. PARTICIPANT PAYMENT FOR TREATMENT AND SERVICES.  
Authorizes a mental health court program to require a participant to pay the cost of all treatment and services received while participating in the program, based on the participant's ability to pay.

SECTION 2. Effective date: September 1, 2003.