

BILL ANALYSIS

C.S.H.B. 2609
By: Coleman
Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The President of the United States has recently established the Freedom Commission on Mental Illness that has as its mission statement to, “enable adults and children with serious mental illness to live, work, learn, and participate fully in their communities.” The President charged the commission with five tasks that it shall seek to complete. They are as follows:

- Focus on the desired outcomes of mental health care, which are to attain each individual's maximum level of employment, self-care, interpersonal relationships, and community participation.
- Focus on community-level models of care that efficiently coordinate the multiple health and human service providers and public and private payers involved in mental health treatment and delivery of services.
- Focus on those policies that maximize the utility of existing resources by increasing cost effectiveness and reducing unnecessary and burdensome regulatory barriers.
- Consider how mental health research findings can be used most effectively to influence the delivery of services.
- Follow the principles of Federalism, and ensure that its recommendations promote innovation, flexibility, and accountability at all levels of government and respect the constitutional role of States.

In Texas, the Criminal Justice Policy Council reported that 17% 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 are left with no where to turn, and they inevitably end up coming into contact with police, who are often 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. In the spirit of the President's Freedom Commission, CSHB 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

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

CSHB 2609 would create a mental health court program for mentally ill and mentally retarded citizens and sets forth the characteristics that a program should have. The authority to establish these programs is given

to the commissioners court of a county for persons who have been arrested for a misdemeanor and are suspected of having a mental illness or mental retardation. The bill provides that a mental health court has authority to handle all issues arising under Articles 16.22, 17.032, and 46.02 of the Code of Criminal procedure. Oversight of this program is given to the lieutenant governor and the speaker of the house to establish appropriate legislative committees. A court under this program, may require a participant to pay the cost of treatment based on their ability to pay.

EFFECTIVE DATE

September 1, 2003

COMPARISON OF ORIGINAL TO SUBSTITUTE

CSHB 2609 eliminates the funding mechanism in the original bill. Under the substitute, counties retain the authority to establish a mental health courts programs, but receive no direct funding from the Texas Department of Criminal Justice.