

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

April 29, 2003

TO: Honorable Jaime Capelo, Chair, House Committee on Public Health

FROM: John Keel, Director, Legislative Budget Board

IN RE: HB811 by Rodriguez (Relating to the detention of persons for mental health purposes.), As Introduced

No significant fiscal implication to the State is anticipated.

The bill relates to provisions for circumstances in which a person, who is subject to a Warrantless Detention, Magistrate's Order for Emergency Detention or an Order of Protective Custody, may be detained in a jail or non-medical facility until they can be transported to an appropriate mental health facility. The bill would amend Chapters 573 and 574 of the Health and Safety Code to limit the detention of a person in a jail or non-medical facility to a maximum of 12 hours only if an emergency room or other appropriate facility, as determined by a local mental health authority (MHA), is over 75 miles away. The bill would require each local MHA to develop suitable short-term detention facilities to prevent persons from being detained in jails.

The bill would take effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If not, the bill would take effect September 1, 2003.

The requirement of local MHAs to develop short-term detention facilities could be interpreted as a requirement of the performance contract that each local MHA holds with the Department of Mental Health and Mental Retardation. In this context, the MHAs may request additional funding from the Department to cover the costs of the facilities, if not already available, which may result in a cost to the state.

Local Government Impact

Several local mental health authorities (MHA) and sheriff's offices were contacted regarding the fiscal impact of the provisions of the bill, and most of those responded assumed the costs would be borne by the local entities.

According to the Hill Country Community MHMR Center, implementation would cost the authority \$1,037,125 for one year. The costs would result from providing alternative housing, administrative salary, and administrative overhead, but the estimate does not include travel expenses, which would vary depending on distance between a jail and the alternative housing.

Harris County stated that the requirements would result in the county having to acquire land and construct a facility, at an estimated cost of \$10 million. The county estimated operational costs by the sheriff would exceed \$1 million annually and that the Harris County MHA would incur similar annual costs.

Although no figures were provided, Denton County indicated that the provisions of the bill would create a significant cost for both the sheriff's office and the Denton County MHMR. Similar responses were provided by the sheriff's office in Grayson County and in Wise County. The sheriff's office in both Collin County and Fort Bend County, however, do not anticipate an impact on their budgets. Collin County has deputies trained in mental health issues and persons detained because of mental

health issues are released to a mental health facility.

The fiscal impact would vary depending on what resources are already in place, but in those counties where alternative housing does not exist, there is a shortage of bed space at existing alternatives, or the distance to the alternative housing is significant, the costs are estimated to be significant.

Source Agencies: 655 Department of Mental Health and Mental Retardation

LBB Staff: JK, EB, KF, MB, DLBa