

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION**

**March 18, 2003**

**TO:** Honorable Robert Duncan, Chair, Senate Committee on Jurisprudence

**FROM:** John Keel, Director, Legislative Budget Board

**IN RE: SB1057** by Duncan (Relating to the determination of incompetency in criminal cases.), **As Introduced**

<b>No fiscal implication to the State is anticipated.</b>
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The bill would repeal sections of the Code of Criminal Procedure relating to the procedures for determining competency to stand trial in criminal cases that are punishable by confinement, and would replace those sections with revised procedures. As in current statute, the county would be responsible for paying for mental health experts and facilities to conduct evaluations of defendants assumed incompetent. The county would also, as in existing statute, pay the cost of a competency expert provided by the community mental health centers.

The bill would also address requirements of committing for no more than 120 days for further examination and treatment a defendant not released on bail and determined to be incompetent, including addressing requirements for transportation between the court and the mental health facility.

The bill would take effect January 1, 2004 and apply only to defendants against whom proceedings have not been initiated before that date.

**Local Government Impact**

County clerks, district clerks, county treasurers, mental health authorities, and sheriff's offices from different parts of the state were contacted regarding the local fiscal impact of the bill. Each indicated that the fiscal impact would be minimal; however, travel issues were the most costly issues identified. Some counties do not have mental health experts available and must pay travel expenses for those persons to come from outside the county for conducting evaluations. Additionally, for counties that do not have a local- or state-operated mental health facility in the county, travel expenses are incurred for transporting a defendant between court and the nearest available facility.

No significant fiscal impact to units of local government is anticipated.

**Source Agencies:** 212 Office Of Court Administration, Texas Judicial Council, 655 Department Of Mental Health And Mental Retardation, 694 Youth Commission, 696 Department Of Criminal Justice

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