

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

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

**April 7, 2003**

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

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

**IN RE: SB1145** by Madla (Relating to programs in certain counties to divert certain persons with mental health disorders or mental retardation from incarceration to appropriate services.), **As Introduced**

<b>No fiscal implication to the State is anticipated.</b>
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The bill would specify when adopting rules relating to responsibilities of local mental health authorities, that the board of the Texas Department of Mental Health and Mental Retardation require the authorities to include individuals who are in contact with the criminal justice system and those detained in local jails and juvenile detention facilities when the authorities make recommendations relating to the most appropriate and available treatment alternatives for individuals in need of mental health services.

Implementation of the bill would also add a section to Subchapter E, Chapter 533, Health and Safety Code, regarding prioritization of funding for diversion of persons from incarceration in certain counties. With the addition of the new section, the bill specifies which sections within Subchapter E would expire on September 1, 2005, which would be those associated with the jail diversion pilot program. The new section of Subchapter E would authorize a local mental health or mental retardation authority to develop and prioritize its available funding for a system to divert members of the priority population from contact with the criminal justice system, to provide specialized training to local law enforcement and court personnel on identifying and managing offenders or suspects who may be part of the priority population, and to develop other model programs.

The bill would take effect September 1, 2003.

The state agencies and local authorities that work with persons with mental health and mental retardation needs report that prioritization is given to persons in the circumstances described in the bill and that services and programs are developed as funding is available.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 655 Department of Mental Health and Mental Retardation

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