

## **BILL ANALYSIS**

C.S.H.B. 2518  
By: Coleman  
Judiciary  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

The 78th Legislature passed HB 2609 to enable and encourage the development of mental health courts. Mental health courts process criminal cases involving individuals with mental illness and attempt to divert these individuals away from the criminal justice system and into effective treatment, rather than imposing routine criminal sanctions for offenders with mental illness. These courts involve collaboration between practitioners in the criminal justice and mental health systems to offer integrated treatment services for criminals with mental illness. Mental health courts aim to break the cycle of mental illness and criminal behavior that is accelerated by the inadequacy of treatment in prison and jails.

In order to guarantee uniformity in the protection of the rights of individuals who go through the mental health court program, HB 2518 clearly lays out these rights in statute. It is the intent of HB 2518 to encourage voluntary participation in the mental health court program by ensuring that the program's protections are reasonable and appropriate and that the program is achieving its goal of diverting individuals from the criminal justice system into meaningful, individualized treatment for mental illness.

### **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**

The bill amends Section 616.003, Health and Safety Code, to require that a person who is eligible for the mental health court program be provided counsel before voluntarily proceeding through the program and throughout their participation in the program.

Allows a person eligible for the program to choose whether to proceed through the mental health court program or to proceed through the regular criminal justice system.

Provides that a participant in the mental health court program can withdraw from the program at any time prior to the participant's trial.

Provides that a participant must be provided with a court-ordered individualized treatment plan indicating the services that will be provided to the participant.

The bill also provides that the jurisdiction of the mental health court must extend at least six months but may not exceed the probationary period for the offense for which the participant is charged.

### **EFFECTIVE DATE**

September 1, 2005

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

The substitute makes clarifying changes by inserting "legal" in 616.003(2)(A) and "if" in (B) and amends (E) to provide a minimum jurisdictional period where the original contained only a maximum.

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