

## **BILL ANALYSIS**

Senate Research Center

C.S.H.B. 2518  
By: Coleman (Duncan)  
Jurisprudence  
5/13/2005  
Committee Report (Substituted)

### **AUTHOR'S/SPONSOR'S STATEMENT OF INTENT**

The 78th Legislature, Regular Session, 2003, passed H.B. 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 those 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 prisons and jails.

C.S.H.B. 2518 lays out the rights of individuals who go through the mental health court program, to guarantee uniformity in the protection of the rights of those individuals. It is the intent of this bill 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**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 616.002, Health and Safety Code, to authorize the commissioners court of a county to establish a mental health court program for persons who have been arrested for or charged with a misdemeanor or felony, rather than just a misdemeanor.

SECTION 2. Amends Section 616.003, Health and Safety Code, as follows:

(a) Creates this subsection from existing text. Requires a mental health court program to ensure a person eligible for the program is provided legal counsel before volunteering to proceed through the mental health court program and while participating in the program; allow a person, if eligible for the program, to choose whether to proceed through the mental health court program or proceed through the regular criminal justice system; allow a participant to withdraw from the mental health court program at any time before a trial on the merits has been initiated; provide a participant with a court-ordered individualized treatment plan indicating the services that will be provided to the participant; and ensure that the jurisdiction of the mental health court extends at least six months but does not extend beyond the probationary period for the offense charged if the probationary period is longer than six months. Makes conforming and nonsubstantive changes.

(b) Requires the issues to be handled by a magistrate who is part of a mental health court program.

SECTION 3. Effective date: upon passage or September 1, 2005.