

## **BILL ANALYSIS**

C.S.S.B. 307  
By: Duncan  
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. Currently mental health court programs are limited to misdemeanor defendants when such a program might be appropriate in many felony cases.

In order to guarantee uniformity in the protection of the rights of individuals who go through the mental health court program, CSSB 307 clearly lays out these rights in statute. It is the intent of CSSB 307 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. Also, CSSB 307 expands the ability of a county to set up a mental health court program to include felonies as well as misdemeanors and to handle certain issues.

### **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**

SECTION 1 authorizes the commissioners court of a county to establish a mental health court program to include persons who have been arrested for or charged with a felony.

SECTION 2 amends Section 616.003, Health and Safety Code, by providing clean up language to conform existing statute to reflect changes in section numbering made by the 78th Legislature.

Requires that a person who is eligible for the mental health court program be provided legal counsel before voluntarily proceeding through the program and throughout their participation in the program.

Allows a person, if 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.

Provides that the jurisdiction of the mental health court lasts a minimum of 6 months and, in a case where the probationary period for the offense charged is more than 6 months, cannot extend beyond that probationary period.

Requires that the issues be handled by a magistrate who is part of a mental health court program established under Section 616.002.

**EFFECTIVE DATE**

Immediately on receipt of required vote, otherwise September 1, 2005

**COMPARISON OF ORIGINAL TO SUBSTITUTE**

The substitute adds provisions of 616.003(a)(2), which contains requirements for the conduct of the mental health court program.