

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

May 16, 2005

TO: Honorable Will Hartnett, Chair, House Committee on Judiciary

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: SB307 by Duncan (Relating to a mental health court program.), **Committee Report 2nd House, Substituted**

No fiscal implication to the State is anticipated.

The bill would amend Section 616.002 of the Health and Safety Code to add persons arrested or charged with a felony offense to those for whom a county may establish a mental health court program. Current statute applies only to persons arrested for or charged with a misdemeanor offense and are suspected by a law enforcement agency or a court of having a mental illness or mental retardation.

The bill would amend Section 616.003 of the Health and Safety Code to ensure the right of persons with mental illness to receive legal counsel before volunteering to participate in a mental health court program. The bill would also provide for the right to withdraw from participation in a mental health court program (before trial begins) and the right to an individualized treatment plan. Jurisdiction of the mental health court would extend at least six months but not beyond the probationary period for the offense charged if the probationary period is longer than six months.

A magistrate who is part of a mental health court program would be required to handle issues arising under Articles 16.22 and 17.032 and Chapter 46B, Code of Criminal Procedure.

The bill would take effect immediately if it receives the required two-thirds vote in each house; otherwise, it would take effect September 1, 2005.

Local Government Impact

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

Source Agencies:

LBB Staff: JOB, DLBa