

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

May 25, 2005

TO: Honorable David Dewhurst, Lieutenant Governor, Senate

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

IN RE: SB837 by Wentworth (Relating to the insanity defense.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would repeal the existing statute on the Insanity Defense and would create a new chapter in the Code of Criminal Procedure that would incorporate part of the text from the repealed statute and include new and expanded procedures related to the insanity defense.

Procedures would be established for use of the defense and for court proceedings and hearings, evaluations of the defendant, continuing jurisdiction by the court if the person is acquitted by reason of insanity, civil commitments, treatment and supervision, periods of confinement in a county jail or state mental health facility, and release from court jurisdiction. In addition, the Health and Human Services Commission (HHSC) would be required to collect information and maintain current records regarding a person found not guilty of an offense by reason of insanity who is ordered by a court to receive inpatient mental health services, committed by a court for long-term placement in a residential care facility, or ordered by a court to receive outpatient or community-based treatment and supervision. The HHSC would be required to file annually with the presiding officer of each house of the legislature a report listing the name and address of any facility to which a person is committed, the length of the person's commitment to the facility, and any post-release outcome.

The bill would take effect September 1, 2005.

The agencies that would be affected by provisions of the bill indicate that new procedures and requirements could be implemented using existing resources.

Local Government Impact

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

Source Agencies: 529 Health and Human Services Commission, 537 Department of State Health Services, 539 Department of Aging and Disability Services, 696 Department of Criminal Justice

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