

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION**

**April 20, 2005**

**TO:** Honorable Jeff Wentworth, Chair, Senate Committee on Jurisprudence

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

**IN RE: SB837** by Wentworth (Relating to the insanity defense.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill would repeal the existing statute regarding the Insanity Defense and related procedures and would create a new chapter in the Code of Criminal Procedure related to the Insanity Defense and related procedures. The new chapter would add a subchapter related to disposition following acquittal by reason of insanity and commitment by a trial court. If a person is acquitted by reason of insanity, the trial court would be authorized to commit the person to a maximum security unit of any facility designated by the Health and Human Services Commission (HHSC) until the person is eligible for release or transfer to a nonsecurity unit.

The bill would establish the procedures for commitments and transfers, including a requirement for the HHSC executive commissioner to appoint a review board of five members, including one psychiatrist and two persons who work directly with persons with mental illness or mental retardation, to determine whether the person is manifestly dangerous, and, as a result, requires continued placement in a maximum security unit. Other procedures would relate to requirements to be followed by the courts in reviewing the commitment and the conditions of the commitment.

The bill would take effect September 1, 2005 and would apply only to an offense committed on or after that date.

According to HHSC, the agency would be able to implement the new administrative duties and establishment of a review board 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, 696 Department of Criminal Justice

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