

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

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

**April 20, 2005**

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

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

**IN RE: SB1582** by Zaffirini (Relating to the detention of persons for mental health purposes.), **As Introduced**

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

The bill would specify conditions for detaining in a jail or other nonmedical facility a person suspected of having a mental illness who is apprehended by a peace officer without a warrant, apprehended and detained under order, or detained in protective custody. The bill would allow detention in a jail or nonmedical facility only as a last resort and only if a hospital emergency room or other suitable facility is not accessible. The bill would require local mental health authorities to develop suitable short-term detention alternatives.

**Local Government Impact**

Developing suitable short-term detention alternatives could result in costs to local mental health authorities or the reallocation of resources from current services.

Harris County reported that transporting individuals for mental health purposes would save the department approximately \$150,000 per year in reduced jail time and fewer doses of psychotropic drugs. However, arranging a bed in a proper accessible facility could have a negative financial effect on the local mental health and mental retardation authority which is difficult to quantify.

The Fort Bend County Sheriff's Department reported that the provisions of the bill would have no impact on the department; however, the department also reported that since, the local hospitals in the area do not accept individuals for mental health purposes if the hospital does not have a mental ward or if the individual has been charged with a crime, the department already transports individuals to an accessible facility.

The Travis County Sheriff's Department reported that there are many factors associated with developing an accurate fiscal impact, including the number of transports each year; availability of beds in nearby state facilities; transportation costs if a local bed is not available (for distances from 160 to 1,240 miles); overtime, meals, and lodging costs during transport; and overtime for officers taking over the duties of the personnel involved in transport.

The police departments in the cities of Austin and Houston reported that the provisions of the bill would have no effect on their departments.

**Source Agencies:** 537 Department of State Health Services, 539 Department of Aging and Disability Services

**LBB Staff:** JOB, KF, KJG, SSt