

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

April 29, 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.),
Committee Report 1st House, Substituted

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.

Local Government Impact

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:

LBB Staff: JOB, KJG, KF, SSt