

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

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**May 23, 2007**

**TO:** Honorable David Dewhurst, Lieutenant Governor, Senate

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

**IN RE: SB839** by Duncan (Relating to the exchange of information among agencies related to the Texas Correctional Office on Offenders with Medical or Mental Impairments and the agencies responsible for continuity of care for offenders in the criminal justice system who are physically disabled, terminally ill, or significantly ill; providing a criminal penalty.), **As Passed 2nd House**

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

The bill would amend the Health and Safety Code by adding a section defining the continuity of care and services specific to the areas of identifying the type of care and treatment needs of an offender. The section requires the development of a treatment plan for the care and service needs for the offender, and the coordination of the treatment provisions among the agencies providing treatment services for the offender to ensure that the treatment may continue to be provided to the offender throughout the time of arrest, while charges are pending, during post-adjudication and post-conviction, and for pre-trial diversion. The bill would further require the Department of Criminal Justice (TDCJ), the Department of State Health Services (DSHS), the Bureau of Identification and Records at the Department of Public Safety (DPS), and representatives of local mental health and mental retardation authorities to adopt a memorandum of understanding (MOU) be adopted and share in the responsibilities to institute a continuum of care and service programs for offenders with mental impairments in the criminal justice system. The bill updates the name changes of certain state agencies listed in the section. The bill would add the Health and Human Services Commission (HHSC), Department of Information Resources (DIR), and Bureau of Identification and Records at the Department of Public Safety (DPS) to the list of agencies that may accept and disclose information relating to a special needs offender. The bill would require that information shared under this section be considered confidential, the information obtained under this section shall not be used as evidence in any criminal proceeding, unless obtained and introduced by other lawful evidentiary means and makes the release of such information to an unauthorized source a Class B misdemeanor.

The bill would amend the Government Code by adding that the Bureau of Identification and Records of the Department of Public Safety shall collect and disseminate information regarding offenders with mental impairments.

The Department of Public Safety has determined that to implement the provisions of the bill would require a new interface to the Texas Law Enforcement Telecommunications System (TLETS) and would cost approximately \$76,000 in State Highway Fund 6 funds over the biennium (\$50,000 for professional services to program new interface, \$20,000 for equipment in fiscal year 2008 and \$3,000 for monthly technical costs in each fiscal year). DPS has determined that the costs associated with implementing the bill would not be significant and could be absorbed with current resources.

The Department of Criminal Justice has determined that the costs associated with implementing the bill would not be significant.

**Local Government Impact**

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

**Source Agencies:** 405 Department of Public Safety, 696 Department of Criminal Justice

**LBB Staff:** JOB, ES, GG, SDO