

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

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

**April 27, 2007**

**TO:** Honorable Aaron Pena, Chair, House Committee on Criminal Jurisprudence

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

**IN RE: SB867** by Duncan (Relating to procedures regarding criminal defendants who are or may be persons with mental illness or mental retardation.), **As Engrossed**

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

The bill would amend the Code of Criminal Procedure to make changes (1) in the procedures for when to order an examination of a defendant to determine if the person has a mental illness or mental retardation and reporting requirements concerning such examination; (2) in the maximum period a defendant may be committed in a mental hospital or other inpatient or residential facility, or be required to participate in an outpatient treatment program; (3) in procedures for imposing and releasing from commitment or program participation; (4) in procedures regarding release on bail of persons found incompetent to stand trial; and (5) in the appeals process regarding commitment.

The bill would amend the Health and Safety Code to require the county in which applicable criminal charges are pending or were adjudicated to pay the costs of a hearing to evaluate court-ordered administration of psychoactive medication to a patient court-ordered to receive inpatient mental health services, whether having been acquitted of an offense by reason of insanity or awaiting trial.

The bill would take effect September 1, 2007.

**Local Government Impact**

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

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

**LBB Staff:** JOB, ES, DB