

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 20, 2009

TO: Honorable David Dewhurst, Lieutenant Governor, Senate

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

IN RE: SB1557 by Duncan (Relating to the early identification of criminal defendants who are or may be persons with mental illness or mental retardation.), **As Passed 2nd House**

No fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure to clarify and amend procedures for early identification of criminal defendants who may have mental illness or mental retardation. The procedures apply to actions by the sheriff's office, local mental health or mental retardation authorities, magistrates, and the trial court.

The bill would allow a judge or magistrate to authorize the transportation of a person apprehended to the appropriate mental health facility.

The change in law would apply only to a defendant charged with an offense committed on or after the effective date of the bill, which would be September 1, 2009.

Local Government Impact

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

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: JOB, SD, ESi, DB