

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

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**April 4, 2011**

**TO:** Honorable Pete Gallego, Chair, House Committee on Criminal Jurisprudence

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

**IN RE: HB3692** by Gallego (Relating to peace officer interaction with persons with mental illness and to a person's incompetency to stand trial.), **As Introduced**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend the Code of Criminal Procedure to modify a peace officer's interaction with persons with mental illness and authorize an officer to issue a citation in lieu of arresting the person in certain instances. The bill also would establish a suggestion of incompetency as the minimum threshold required for an informal inquiry in a trial.

The bill would amend the Occupations Code to require a law enforcement officer to undergo training in mental illness.

The Department of State Health Services (DSHS) reported that the Commission on Law Enforcement Officer Standards and Education currently requires peace officers to undergo 40 hours of training on mental illness; therefore, there would be no significant fiscal impact.

DSHS stated that although there may be an increase in law enforcement calls to the Crisis Hotlines and utilization of Mobile Crisis Outreach Teams (MCOTs), but the provisions are not anticipated to result in a need for increased staff at DSHS, the Local Mental Health Authorities (LMHAs) or the Local Behavioral Health Authorities (LBHAs). It is also assumed that there is sufficient capacity in the crisis system to assume the additional demand, and LMHAs and LBHAs are currently required in the Texas Administrative Code, Mental Health Community Standards, to provide services to persons in crisis.

In addition, DSHS indicated the provisions may result in a reduction in the number of arrests of mentally ill misdemeanants which could slightly decrease the number of persons found incompetent to stand trial and potentially represent a cost savings to LMHAs and LBHAs. The state hospital system has consistently met or exceeded capacity throughout the past fiscal year. Therefore, although the bill may increase the demand for state hospitals, it is not anticipated to result in increased costs for the state hospitals.

The bill would take effect September 1, 2011.

**Local Government Impact**

There could be a positive fiscal impact to a local governmental entity that would have an alternative to arresting an individual with mental illnesses which could result in a savings of costs associated with incarceration. Mentally ill persons require additional services while incarcerated and fewer arrests would provide additional savings from a decrease in additional services that are provided to those mentally ill persons.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 407 Commission on Law Enforcement Officer Standards and Education, 537 State Health Services, Department

of

**LBB Staff:** JOB, ESi, TP, TB, JF, DAR