

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

April 17, 2013

TO: Honorable Joseph Pickett, Chair, House Committee on Homeland Security & Public Safety

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1109 by Burkett (Relating to peace officer interaction with persons with mental illness.), **As Introduced**

No significant fiscal implication to the State is anticipated.

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 also amend the Occupations Code to require a law enforcement officer to undergo training in the investigation and documentation of cases that involve mental illness.

The Department of State Health Services (DSHS) reported that peace officers in some communities may routinely notify the local mental health authority (LMHA) when a person committing an offense is believed to have mental illness. However, in some communities, it is likely that this bill will result in an increased number of calls to LMHA crisis hotlines. Many of those calls would require rapid mobilization by the LMHA's Mobile Crisis Outreach Teams. A peace officer would need to notify the LMHA even in instances where the client is taken into custody and escorted to an appropriate facility.

DSHS and the Commission on Law Enforcement Officer Standards and Education reported that any costs associated with the bill could be absorbed with existing resources.

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: 407 Commission on Law Enforcement Officer Standards and Education,
537 State Health Services, Department of

LBB Staff: UP, ESi, KKR, CH

