

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

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**April 25, 2013**

**TO:** Honorable Tan Parker, Chair, House Committee on Corrections

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB2349** by Zerwas (Relating to a jail-based restoration of competency pilot program. ),  
**Committee Report 1st House, Substituted**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB2349, Committee Report 1st House, Substituted: a negative impact of (\$3,050,250) through the biennium ending August 31, 2015.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</b>
2014	(\$1,307,250)
2015	(\$1,743,000)
2016	(\$1,743,000)
2017	(\$1,743,000)
2018	(\$1,743,000)

**All Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable Savings/(Cost) from General Revenue Fund</b>
	<b>1</b>
2014	(\$1,307,250)
2015	(\$1,743,000)
2016	(\$1,743,000)
2017	(\$1,743,000)
2018	(\$1,743,000)

**Fiscal Analysis**

The bill would amend the Code of Criminal Procedure to require the Department of State Health Services (DSHS) to develop and implement a pilot program for jail-based competency restoration

if necessary funds are appropriated to DSHS for this purpose. The bill would require DSHS to develop the pilot program in one or two counties that choose to participate in the pilot program. DSHS would be required to contract with a provider of jail-based competency restoration services to provide services under the pilot program. The designated provider would be required to contract with the participating county or counties.

The bill would require that defendants can only participate in the pilot program for no more than 60 days. If a defendant's competency to stand trial has not been restored by the end of the 60th day after the date the defendant began to participate in the pilot program, the defendant must be moved to another setting, released on bail, or have their charges dismissed.

The bill would require that DSHS establish a stakeholder workgroup to help develop and establish rules for the pilot program. DSHS would be required to adopt rules to implement the pilot program by November 1, 2013 and to specify the types of information that must be collected to evaluate the outcome of the pilot program. The bill would require DSHS to submit a report to the Legislature concerning the pilot, including pilot data and an evaluation of the program's outcome, by December 1, 2016.

In counties with a jail-based competency restoration pilot program operated by DSHS, the bill would require that defendants who are committed to a facility for competency restoration receive these services through the pilot program if the service provider at the jail determines the defendant will immediately begin to receive services.

## **Methodology**

The bill would result in a cost of \$1,307,250 in General Revenue Funds in fiscal year 2014 and a cost of \$1,743,000 in General Revenue Funds in fiscal year 2015. This analysis is based on the assumption that a jail-based competency restoration pilot program would serve 83 people per year at a client service cost of \$21,000 per person. It is assumed that the pilot program will be fully operational for three quarters of fiscal year 2014 and all of fiscal year 2015 and that rule adoption and the required evaluation report could be completed within existing resources.

## **Local Government Impact**

There may be some fiscal impact to a participating county or counties which cannot be determined at this time.

**Source Agencies:** 529 Health and Human Services Commission, 537 State Health Services, Department of

**LBB Staff:** UP, ESi, JI, DM, CH, KKR