

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

April 1, 2013

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB1475 by Duncan (Relating to the development and use of a jail-based restoration of competency pilot program.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for SB1475, As Introduced: 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:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
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:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund
	1
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 a pilot program for jail-based competency restoration. The bill requires DSHS to develop the pilot program in not more than two counties in coordination with the

affected counties. DSHS would be required to contract with a private provider of jail-based competency restoration services to provide services under the pilot program. The designated provider would be required to contract with the county where the participating jail is located.

The bill would require that defendants can only participate in the program for no more than 60 days. If a felony 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 jail-based pilot program, and the defendant is to be transferred to a hospital or other facility for further competency restoration efforts, the defendant must be allowed to enter the first available hospital or facility.

The bill requires the Health and Human Services Commission (HHSC) to adopt rules to establish the pilot program and to specify the types of information that DSHS must collect to evaluate the outcome of the pilot program. The bill requires 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.

The court in a county participating in the jail-based competency restoration pilot program is required to order the defendant to participate in the pilot program with the possibility of further commitment to a hospital or facility if competency is not restored under the jail-based program.

Methodology

DSHS reports that 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. Costs are based on the agency's estimate that the 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.

HHSC and DSHS report that rule adoption could be completed within existing resources. DSHS reports that the required evaluation report could be completed within existing resources.

Local Government Impact

There may be some fiscal impact to the two counties participating in the pilot program included in this bill 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