

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

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**May 20, 2019**

**TO:** Honorable Dennis Bonnen, Speaker of the House, House of Representatives

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB601** by Price (Relating to procedures and reporting requirements regarding criminal defendants who are or may be persons with a mental illness or an intellectual disability. ),  
**As Passed 2nd House**

<p><b>No significant fiscal implication to the State is anticipated.</b></p>
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The bill would amend the Code of Criminal Procedure to require local mental health personnel or a service provider that contracts with a jail to provide mental health or intellectual and developmental disability services to interview and collect information regarding potential mental illness or intellectual disability of a defendant if the defendant has not previously been interviewed by a qualified mental health expert on or after the date of arrest. The local mental health personnel or service providers would be required to provide a magistrate with a written report of the interview and the information collected.

The bill would require the commissioner's court of a county in which a magistrate ordered a local mental health authority or local intellectual and developmental disability authority to conduct an interview to reimburse the local mental health authority or local intellectual and developmental disability authority for the cost of performing those duties. The commissioner's court may adopt a fee schedule for the services of the authority who conducted the interview and allows the authority to request that a magistrate determine the amount for reimbursement.

The bill would require the Texas Judicial Council to adopt rules to require the reporting of the number of written reports submitted to a magistrate to the Office of Court Administration on a monthly basis.

The bill would require a county that transfers a defendant to the Department of Criminal Justice to deliver the written report of the interview and information collected to the Department.

The bill would add certain services alongside treatment, and allow a judge to require a defendant, as a condition of release on a mental health bond, to submit to certain mental health treatment or services if the defendant's ability to function independently will continue to deteriorate if the defendant does not receive the recommended treatment or services.

The bill would add intellectual disability to the identification and assessment protocols of jail risk-level factors assessed by the Commission on Jail Standards.

The bill would amend the Health and Safety Code to require the Texas Correctional Office on

Offenders with Medical or Mental Impairments to approve and make available an electronic, standard form for use by a person providing a written report to a magistrate.

The bill would require counties transferring a defendant to the Texas Department of Criminal Justice (TDCJ) to provide a copy of a defendant's mental health records to an officer designated by TDCJ. The bill would require the Health and Human Services Commission (HHSC) to transfer a defendant from a maximum security unit to a non-maximum security unit if a review board determines the defendant is not manifestly dangerous. The bill would also require a court, upon receiving notice from the head of a facility or outpatient treatment provider of intent to release the defendant, to hold a hearing to determine whether release from the facility or program is appropriate. The bill would amend the definition of a forensic patient to include persons with intellectual disabilities.

Based on the analysis of the Office of Court Administration, the Office of the Attorney General, the Commission on Jail Standards, the Department of Criminal Justice, and the Health and Human Services Commission, duties and responsibilities associated with implementing the provisions of the bill could be accomplished using existing resources.

The bill would take effect September 1, 2019.

### **Local Government Impact**

Harris County estimates the bill would cost the county between \$650,000 to \$750,000 per year to staff 11-12 full-time employees to conduct interviews, contact defendants who have been released on bond to schedule interviews, and process court orders. The County's key assumptions are as follows: the courts would request an average of 1,800 orders for an interview per month; each interview would last 45 minutes; Q-level staff (Bachelor or Masters level) would conduct the interviews. However, if a higher level of staff would be required, the costs would increase.

There may be a cost to counties to provide additional information when transferring a defendant to TDCJ.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 302 Office of the Attorney General, 409 Commission on Jail Standards, 529 Health and Human Services Commission, 696 Department of Criminal Justice

**LBB Staff:** WP, AF, LBO, MW, DA, GDz