

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 16, 2019

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

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.),
Committee Report 2nd House, Substituted

No significant fiscal implication to the State is anticipated.

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.

Based on the analysis of the Office of Court Administration, the Office of the Attorney General, the Commission on Jail Standards, and the Department of Criminal Justice, 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.

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

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