

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

April 3, 2019

TO: Honorable Garnet Coleman, Chair, House Committee on County Affairs

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

IN RE: HB4468 by Coleman (Relating to county criminal justice reform.), **As Introduced**

<p>No significant fiscal implication to the State is anticipated.</p>
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The bill would amend the Government Code to require the Commission on Jail Standards to adopt rules and procedures to ensure the safety of prisoners, including requiring a county jail to transport a prisoner to access a mental health professional if one is unavailable at the jail. The bill would require community collaborative grants from the Health and Human Services Commission (HHSC) to have a match of 25 percent if the community mental health program is located in a county with a population of less than 250,000 and a match of 100 percent in counties with a population greater than 250,000.

The bill would require the Department of State Health Services (DSHS) to provide guidance to counties and municipalities that establish a program to reduce the risk of certain communicable diseases through hypodermic needle and syringes. The bill would allow DSHS, a county, or municipality to charge a reasonable registration fee to pay for oversight functions. The bill would prohibit the use of state funds to purchase hypodermic needles or syringes.

The bill would also amend the Health and Safety Code to allow the commissioner of DSHS to declare a public health emergency in counties and municipalities where infectious and communicable diseases exist.

The bill would require DSHS to annually submit a report to the legislature on the effectiveness of the disease control program; the program's impact on reducing the spread of HIV, hepatitis B, hepatitis C, and other infectious and communicable diseases; and the program's effect on intravenous drug use.

The bill would also amend the Health and Safety Code to provide an exemption to prosecution for the offense of possession or delivery of drug paraphernalia, which is punished as a Class C misdemeanor or a Class A misdemeanor under the circumstances subject to the provisions of the bill.

The bill would take effect September 1, 2019.

Analysis of the bill assumes the provisions of the bill can be implemented within existing resources and costs would be insignificant for DSHS to charge a fee. This analysis also assumes the provisions of the bill addressing sanctions for criminal offenses would not result in a significant impact on state correctional agencies.

Local Government Impact

The Texas Association of Counties anticipates a fiscal impact to counties from provisions of the bill, however the impact cannot be determined at this time.

Source Agencies: 409 Commission on Jail Standards, 529 Health and Human Services Commission, 537 State Health Services, Department of

LBB Staff: WP, AF, EP, AMa, JPo, SB