

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION
Revision 1

May 3, 2019

TO: Honorable Jeff Leach, Chair, House Committee on Judiciary & Civil Jurisprudence

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

IN RE: SB362 by Huffman (Relating to court-ordered mental health services.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The Health and Human Services Commission (HHSC) is required to implement a provision of this Act only if the legislature appropriates money specifically for that purpose.

The bill would allow a court to release a defendant on bail while charges are pending and enter an order transferring the defendant to the appropriate court for court-ordered outpatient mental health services. The bill would require the Court of Criminal Appeals to ensure judicial training related to court-ordered outpatient mental health services is provided at least once a year. The bill would add two new sections to Health and Safety Code Chapter 574 to specify conditions under which a judge may order temporary or extended outpatient mental health services and would amend various sections of code to refer to the new sections added under Chapter 574. The bill would allow for a court to set a status conference with the patient, the patient's attorney, and the designated individual responsible for the patient's court-ordered outpatient mental health services. The bill would require a private mental health facility to provide or pay for psychoactive medication for a patient on furlough or discharge that is sufficient to last until the patient can see a physician, and requires the executive commissioner of HHSC to adopt rules regarding the quantity and manner of providing psychoactive medication. The bill would require the Supreme Court to adopt rules concerning court processes under Chapter 573 of the Health and Safety Code. The bill would repeal Sections 574.034(b), (e), and (f); and Sections 574.035(b), (f), and (g) of the Health and Safety Code. The bill would take effect September 1, 2019.

Based on information provided by the Office of Court Administration regarding court-ordered outpatient mental health services and court-ordered psychoactive medications, it is assumed that the Health and Human Services Commission can implement the provisions of the bill within existing resource. According to the Office of Court Administration, it is assumed the Court of Criminal Appeals and the Supreme Court can implement the provisions of the bill within existing resources.

Local Government Impact

According to the Office of Court Administration, no significant fiscal implication to local courts is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 529 Health and Human Services Commission

LBB Staff: WP, SLE, EP, SB, SD