

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

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

**May 25, 2019**

**TO:** Honorable Dan Patrick, Lieutenant Governor, Senate  
Honorable Dennis Bonnen, Speaker of the House, House of Representatives

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

**IN RE: SB562** by Zaffirini (Relating to criminal or juvenile procedures regarding persons who are or may be persons with a mental illness or intellectual disability and the operation and effects of successful completion of a mental health court program.), **Conference Committee Report**

**No significant fiscal implication to the State is anticipated.**

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.

The bill would allow a person to have all records and files related to an arrest for a criminal offense expunged under certain conditions and would allow for the certain fees to be waived if the person successfully completes a veterans treatment court program or mental health court program. The bill would require the creation of a mental health court program in counties with a population of more than 200,000 and require those counties to apply for federal and state funds to pay for the program.

The bill would take effect immediately upon receiving a two-thirds majority vote in each house. Otherwise, the bill would take effect September 1, 2019.

It is assumed the state court system, HHSC, and TDCJ can implement the provisions of the bill using existing resources. The Office of Court Administration (OCA) does not anticipate a significant fiscal impact from waived fees or the creation of mental health court programs due to the limited number of participants in mental health court programs.

Based on the analysis of the Comptroller of Public Accounts and the Department of Public Safety, duties and responsibilities associated with implementing the provisions of the bill relating to the operation of, participation in, and effects of successful completion of a mental health court program could be accomplished using existing resources.

## **Local Government Impact**

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, 304 Comptroller of Public Accounts, 405 Department of Public Safety, 407 Commission on Law Enforcement, 529 Health and Human Services Commission, 644 Juvenile Justice Department, 696 Department of Criminal Justice

**LBB Staff:** WP, LBO, CMa, EP, SB