

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

April 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: SB562 by Zaffirini (Relating to the delivery of certain mental health information regarding a defendant transferred from a county to the custody of the Texas Department of Criminal Justice, the commitment of certain defendants for competency restoration, and the use of telepsychiatry in determining whether a defendant is manifestly dangerous before commitment.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for SB562, As Introduced: a negative impact of (\$4,765,648) through the biennium ending August 31, 2021.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2020	(\$2,444,660)
2021	(\$2,320,988)
2022	(\$2,320,988)
2023	(\$2,320,988)
2024	(\$2,320,988)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from <i>General Revenue Fund</i> 1	Change in Number of State Employees from FY 2019
2020	(\$2,444,660)	15.0
2021	(\$2,320,988)	15.0
2022	(\$2,320,988)	15.0
2023	(\$2,320,988)	15.0
2024	(\$2,320,988)	15.0

Fiscal Analysis

The bill would amend Chapter 42 of the Code of Criminal Procedure to 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 amend Chapter 46B of the Code of Criminal Procedure to allow for a court to order a defendant to inpatient competency restoration services based on the determination made by a review board that the defendant is manifestly dangerous. The bill would allow for a review board to make its determination through the use of telepsychiatry. The bill would require the executive commissioner of the Health and Human Services Commission (HHSC) to adopt rules concerning the determination of whether a defendant is manifestly dangerous. The bill would take effect September 1, 2019.

Methodology

HHSC currently operates a Dangerousness Review Board to determine whether defendants arriving at a maximum security unit for competency restoration are manifestly dangerous and require continued placement in a maximum security unit. HHSC does not currently operate a review board to determine whether defendants that have not yet been admitted to a state mental health hospital are manifestly dangerous. This analysis assumes HHSC would require an additional 15.0 full-time-equivalent (FTE) positions to form an additional review board, including: 1.0 Psychiatrist IV to serve as the chair of the newly formed review board and perform other oversight functions; 3.0 Psychiatrist III, 3.0 Psychologist III, and 2.0 Social Worker III to conduct certain psychiatric and psychological evaluations; and 3.0 Administrative Assistant III and 3.0 Clerk III to coordinate the evaluations with the courts and jails, and prepare documents for the review board.

According to HHSC, telepsychiatry services may not be available in all counties to perform an assessment, and an additional \$243,000 in General Revenue would be needed each fiscal year to reimburse up to 3.0 FTEs to travel to county jails for up to 27 evaluations per month, at a cost of \$250 per trip.

It is assumed the state court system and TDCJ can implement the provisions of the bill within existing resources.

Technology

FTE-related technology costs are estimated to be \$24,690 in General Revenue in fiscal year 2020.

Local Government Impact

There may be a cost to counties to provide additional information when transferring a defendant to TDCJ. According to the Office of Court Administration, the bill may result in decreased jail costs associated with reduced wait times for placement of a defendant at a maximum security or other inpatient mental health facility.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 529 Health and Human Services Commission, 696 Department of Criminal Justice

LBB Staff: WP, LBO, EP, SB