

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

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

**April 22, 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 criminal or juvenile procedures regarding persons who are or may be persons with a mental illness or intellectual disability.), **Committee Report 1st House, Substituted**

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

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 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 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 within 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, 529 Health and Human Services Commission, 696 Department of Criminal Justice

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