

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION**

**April 9, 2021**

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: SB49** by Zaffirini (Relating to procedures regarding defendants 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 the Code of Criminal Procedure to expand the offices that would receive a written assessment of the information collected during the mental health or intellectual disability screening of a defendant that must be provided by a magistrate ordering the assessment to include the sheriff or other person responsible for the defendant's medical records while the defendant is confined in the county jail, and as applicable, any county personal bond office, or the director of the office or department responsible for supervising the defendant while released on bail and receiving mental health or intellectual disability service as a condition of bail.

The bill would provide that the magistrate is not required order the collection of certain information if the defendant is no longer in custody.

Based on the analysis of the Office of Court Administration and the Commission on Jail Standards, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources. In addition, no significant fiscal impact to the state court system is anticipated.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Admin, 409 Commission on Jail Standards

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