

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

April 21, 2023

TO: Honorable Joe Moody, Chair, House Committee on Criminal Jurisprudence

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB5088 by Moody (Relating to procedures regarding certain persons who are or may be persons with a mental illness or intellectual disability.), **As Introduced**

No significant fiscal implication to the State is anticipated. There may be a significant cost to local governments related to transport compensation, forensic examinations, restoration classes, and mental health services.

The bill would revise processes related to the mental illness or intellectual disability of criminal defendants and juveniles alleged to have engaged in delinquent conduct or conduct indicating a need for supervision. The bill would require mental health facilities or outpatient providers to transport defendants to the court and place defendants in the custody of sheriff of the county in which the court is located under certain circumstances and would require counties to reimburse mental health facilities or providers for mileage and per diem expenses for transport.

The bill would establish procedures for conducting a forensic mental examination as ordered by a juvenile court. The bill would establish criteria under which a juvenile court could order a child to receive temporary or extended inpatient or outpatient mental health services. The bill would require court-ordered treatment to focus on the stabilization of the child's mental illness and on meeting the child's psychiatric needs in the least restrictive appropriate setting.

The bill would authorize juvenile probation departments to provide restoration classes in collaboration with outpatient treatment for a child with mental illness or intellectual disability. The bill would require a juvenile court to consult with the local mental health authority (LMHA) and the local intellectual and developmental disability authority (LIDDA) to determine appropriate treatments for a child.

The bill would require a juvenile court to direct the LMHA to file proposed treatment for a child with mental illness. The bill would require the Health and Human Services Commission (HHSC) to identify a facility and admit the child to the facility following a court order for inpatient mental health services.

Based on information provided by the Health and Human Services Commission, the Office of Court Administration, the Juvenile Justice Department, and the Department of Public Safety, it is assumed that costs associated with implementing the bill could be absorbed within current state resources.

Local Government Impact

Local entities could have a significant fiscal impact related to implementing the bill, including for counties that would be required to reimburse mental health facilities or outpatient providers for certain transport costs. Local entities could experience a negative fiscal impact related to new requirements for conducting forensic examinations. County juvenile probation departments could incur costs related to providing restoration classes in collaboration with outpatient treatment for a child with mental illness or intellectual disability. In addition, LMHAs and LIDDAs could have costs related to increased requirements for treatments as described in the bill.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 405 Department of Public Safety, 529 Health and Human Services Commission, 644 Juvenile Justice Department

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