

STATE OF TEXAS

RESOLUTION

of the

TEXAS JUDICIAL COUNCIL

Mental Health Committee Recommendations

WHEREAS, the Texas Judicial Council is the policymaking body for the Texas Judicial Branch, created under Chapter 71, Texas Government Code; and

WHEREAS, the Council is charged with improving the administration of justice; and

WHEREAS, approximately 1 million Texans experience serious mental illness, with half of those adults having serious and persistent mental illnesses such as schizophrenia, bipolar disorder, major depression, and post-traumatic stress disorder;¹ and

WHEREAS, approximately 500,000 children aged 17 and younger have severe emotional disturbance;² and

WHEREAS, an estimated 1.6 million adult Texans and 181,000 children aged 12 to 17 have substance use disorders;³ and

WHEREAS, approximately 36,000 “super utilizers” live in poverty, suffer from mental illness, and frequently use jails, emergency rooms, crisis services, emergency medical services, hospitals, and other resources for short-term interventions; and

WHEREAS, these “super utilizers” cost Texas an estimated \$650 million in local justice system costs annually; and

WHEREAS, the Texas criminal justice system serves as a default provider of mental health services for many individuals and most inmates eventually return home, where the consequences of inadequate treatment capacity for mental illness play out in predictable and damaging ways for these individuals, their families, and their communities; and

WHEREAS, approximately 20- to 24-percent of the inmate population in Texas has a mental health need, and adults with untreated mental health conditions are eight times more likely to be incarcerated than the general population; and

¹ Texas Statewide Behavioral Health Strategic Plan, Fiscal Years 2017-2021, at 10 (May 2016) (Tex. Health and Human Servs. Comm’n).

² *Id.*

³ *Id. at 11.*

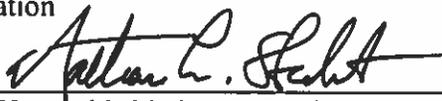
WHEREAS, in June 2016 this Council formed the Mental Health Committee to “examine best practices in the administration of civil and criminal justice for those suffering from or affected by mental illness, identify and review systemic approaches for diversion of individuals with mental illness from entering the criminal justice system, and make recommendations to the Judicial Council on systemic approaches for improving the administration of justice in cases involving mental health issues;” and

WHEREAS, the Mental Health Committee has worked in conjunction with an advisory committee, composed of judges, local mental health officials, mental health providers, and advocacy group representatives, and has made recommendations for legislative changes; and

WHEREAS, the Council believes that the legislative changes will result in meaningful change in identifying and improving the systemic approaches to dealing with individuals with mental illness involved in the justice system;

NOW THEREFORE, BE IT RESOLVED that the Texas Judicial Council requests that the Legislature:

- 1) Improve transmission of mental health screening information to magistrates under Code of Criminal Procedure Article 16.22;
- 2) Evaluate the effectiveness of Article 16.22 - compliance, timing requirements, the feasibility of standardized forms, the fiscal impact on smaller communities of screening requirements, and the effectiveness of statewide reporting;
- 3) Evaluate amendments to Code of Criminal Procedure Article 17.032 to increase flexibility regarding bond availability and conditions for mentally ill, non-violent defendants;
- 4) Reevaluate whether persons charged with non-violent, misdemeanor offenses should be committed to a state mental health facility for competency restoration;
- 5) Clarify existing law to provide local communities with the authority to offer competency restoration and maintenance in any safe and clinically appropriate setting that meets appropriate standards and broaden judicial discretion in choosing the best use of local competency restoration options, across appropriate settings, to help reduce backlogs in county jails and state hospitals;
- 6) Simplify the procedure for reimbursing counties for a restored inmate’s medication and studying the resources necessary to address this population’s medication needs adequately;
- 7) Address the effects of trial delays after competency restoration has occurred;
- 8) Shift the legal education component of competency restoration to an appropriate non-medical environment after psychiatric stabilization has been achieved; and
- 9) Continue and expand the SB 1185 jail diversion pilot program if it is shown to be effective based upon the upcoming evaluation



Honorable Nathan L. Hecht
Chair, Texas Judicial Council

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