

Legislative Recommendations on Mental Health

The Texas Judicial Council's Mental Health Committee was created to study and make legislative recommendations regarding improvements to the administration of justice for those suffering from or affected by mental illness.

Recommendations

1. Screening Protocols

- **Background:** By statute, sheriffs are required to notify magistrates if there is cause to believe a defendant in custody is mentally ill. Magistrates also have statutory authorization to release a nonviolent defendant with a mental illness on a personal bond and require treatment as a condition of release.
- **Recommendations:** Improve transmission of screening information to magistrates under Code of Criminal Procedure (CCP) Article 16.22 and mandate use of standardized forms, and improve statewide reporting. Amend Article 17.032 of CCP to increase the flexibility regarding bond availability and conditions for mentally ill, non-violent defendants.

2. Competency Restoration

- **Background:** Competency restoration generally includes two phases – psychiatric stabilization and education about the criminal justice process to increase the defendant's ability to participate in their legal defense. Currently there are 2400 beds for psychiatric treatment in state mental health facilities. Those beds treat patients for competency restoration and other Texans with severe mental illness not involved with the criminal justice system. The waiting list for these beds has increased significantly in recent years.
- **Recommendations:** Limit commitment to state mental health facilities for persons charged with non-violent misdemeanor offenses; clarify existing law to allow local communities to offer competency restoration; simplify the procedures for reimbursing counties for a restored inmate's medication; address the impact of trial delays after competency restoration has occurred; and shift the legal education component of competency restoration to a non-medical environment after psychiatric stabilization is achieved.

3. Jail Diversion

- **Background:** The 83rd and 84th legislatures created and funded a \$10 million pilot program to reduce recidivism and the frequency of arrests/incarceration among persons with mental illness in Harris County.
- **Recommendations:** Continue and expand the jail diversion pilot program with the goal of building sufficient treatment capacity for routine cases at the local level.

Office of Court Administration
Texas Judicial Council

Mental Health in the Criminal Justice System

- More than **20 percent** of the inmate population in Texas has a mental health need.
- Adults with untreated mental health conditions are **8x more** likely to be incarcerated than the general population.
- Up to **70 percent** of youth in contact with the juvenile justice system meet the criteria for a mental health disorder.
- A 2010 study concluded that **nearly 8 adults** with severe and persistent mental illness were in jail or prison in Texas for every adult in a state psychiatric hospital.

Mental Health by the Numbers

- In FY 2011, the Texas Department of Criminal Justice spent more than **\$130 million** on services for mental health and substance use disorders.
- In Houston, roughly 2,200 inmates received psychotropic meds and mental health services at the Harris Co. Jail in 2013 at a cost of **\$26 million**.
- Total jail costs related to mental illness in Harris Co. in 2013 were more than **\$49 million**, in Dallas Co. more than **\$47 million**.



The Texas Judicial Council was created in 1929 by the 41st Legislature and is the policy-making body for the state judiciary. It examines the work accomplished by the courts and submits recommendations for improvement of the system to the Legislature, the Governor and the Supreme Court.