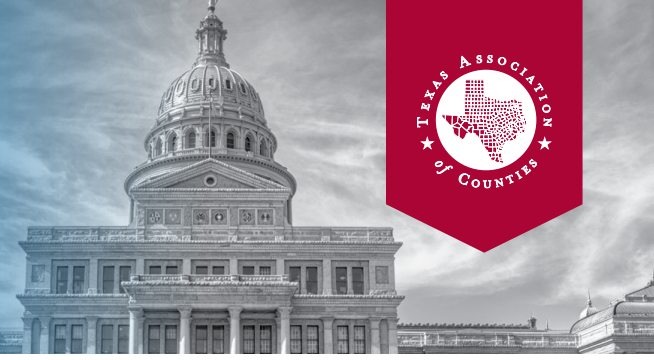




# Legislative Brief

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## BEHAVIORAL HEALTH AND THE JUDICIAL SYSTEM

### WHAT COUNTIES ARE SAYING

Mental health and substance use are broad-reaching issues that have significant impacts on the adult and juvenile justice systems. Counties' support for those judicial systems is one of the most significant components of county budgets.

The state should continue to fund transitional outpatient services, including community collaboratives which help divert those suffering with mental illness and substance use from our jails, courts, and emergency rooms to treatment. Additionally, the state should fund early identification and representation of defendants with mental illness. These solutions would ease the financial burden on local entities and their taxpayers.

### BACKGROUND

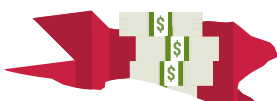
Counties finance the operations of most of the state's courts, including justice courts, district courts, and county-level courts. These courts generally have jurisdiction over magistration, misdemeanor cases, and felony cases. Additionally, counties must also pay for the costs of court-appointed counsel for indigent defendants in criminal cases. While the state reimburses counties for about 10 percent of these costs, counties pay the vast majority of these expenses. Eighty-four counties provided data for TAC's Cost of County Government unfunded mandates survey, showing that from fiscal year (FY) 2011 to FY 2018 the total estimated county expenditures for supporting the state's judicial system have increased by 28 percent, from \$1.3 billion to \$1.8 billion. Mental illness and substance use play a major role in caseloads coming through the judicial system.

*(continued on next page)*

### Quick Facts

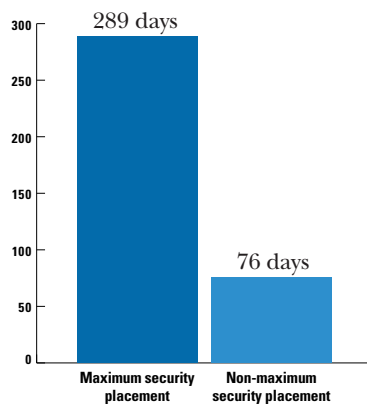
**\$61.4 million**

In Fiscal Year 2019, counties contributed approximately \$61.4 million to mental health community centers. This equated to roughly 73% of local taxing authority investments.



*(Source: Texas Council of Community Centers.)*

### Average length of wait for a forensic commitment.



*(Source: Joint Committee on Access & Forensic Services)*

### Jail Access



**2,500 forensic beds in the state.**  
The waitlist is currently at 1,100 individuals.

*(Source: Joint Committee on Access & Forensic Services)*



In addition to judicial costs, the counties have the option of providing funds directly to the local mental health authorities (LMHAs) or other assistive community programs when budgets allow. The LMHA's coordinate inpatient mental health services for individuals in the judicial system.

On average, Texas spends more per capita than other large population states on inpatient psychiatric services. Programs through the LMHAs are vital in the diversion of individuals from jail to treatment, thus preventing these individuals from entering the judicial system, and helping those in the judicial system find treatment.

## LOOKING FORWARD

The 86th Legislative Session was a landmark session for mental health funding. Gov. Abbott declared mental health issues to be an “emergency item,” and Lt. Gov. Patrick made mental health a top priority in the Senate. Overall, the budget funded \$8.2 billion in behavioral health services across all funding sources, an increase of \$616 million over the prior budget. This \$616 million included \$60 million for the Mental Health Grant Program for Justice-Involved Individuals, which was originally created by SB 292, authored by Sen. Huffman in the 85th Legislative Session. This funding represented a \$12.5 million increase from fiscal year (FY) 2018-2019 levels. The hope is that this funding will assist local government in diverting nonviolent individuals away from jails and forensic hospitals. The budget also included \$40 million in funding for the Community Mental Health Grant Program, originally established by HB 13, authored

by Rep. Four Price in the 85th Legislative Session. This funding represents a \$10 million increase from FY 2018-2019 levels. Localities may use this funding to address gaps and to support locally-driven mental health programs.

The Legislature further appropriated \$59 million to address population growth, current and projected waitlists, and equity issues for community mental health services. It provided \$26 million to fund an additional 50 community inpatient psychiatric beds, and also \$1 million to provide grants to counties to make medication-assisted treatment (MAT) for opioid disorders available to inmates who are re-entering their communities. Although significant investments were made, it is critical that the Legislature continues to fund community-based mental health programs.

Community diversions and other programs like peer support are where the most timely, cost effective, beneficial, preventative and successful mental health services are delivered. Ultimately, it is critical that funding for local mental health crisis services (through community collaboratives), expansion of state hospital beds and indigent mental health rehabilitation be fully appropriated, and the gaps in services, as well as mental health workforce shortages be identified and addressed. If state funding is not made available, these communities rely on dwindling local resources to serve this population. The state must continue and fully fund these initiatives to alleviate the burden on local entities and their taxpayers. ★