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# H.B. 148 COMMITMENT IN CRIMINAL PROCEEDINGS:

## AN ALTERNATIVE TO INCARCERATION FOR THOSE WITH SEVERE MENTAL ILLNESS





# BILL ORIGIN & HISTORY



## WHAT WOULD HB 148 DO?

- Upon a plea or verdict of guilty with a mental illness, requires the court to commit the defendant to a Local Mental Health Authority (LMHA) for a period of six months if:
  - The defendant has a serious mental illness (SMI), including and limited to schizophrenia, schizoaffective disorder, bipolar disorders, delusional disorders, psychotic disorders, obsessive compulsive disorders, and dissociative disorders; and
  - The defendant has committed a class B or C misdemeanor.
- Dismisses the charges against the defendant for the minor offense immediately after release from commitment and completing payment of any criminal restitution.
- Allows LMHAs to prohibit the travel and movement of the defendant if necessary for treatment.

## HOW IS THE BILL PAID FOR?

- If the defendant is charged with a state offense, the Department of Health and Human Services pays the expenses of examination, observation, and treatment for the defendant.
- If the offense is a municipal or county ordinance, the municipality or county that commenced the prosecution pays for the examination.
- The county that commenced the prosecution pays for the travel expenses for the defendant.

## HOW MUCH WILL THE BILL COST?

- No money was appropriated in this bill.
- Fiscal Note says:  
*“Enactment of this legislation could lead to approximately **five new individuals being civilly committed to a Local Mental Health Authority annually**, for a treatment period of six months each, **at a total estimated cost of \$8,800 annually**. These costs could be paid by a mix of county, state, and federal funding sources depending on the Medicaid eligibility status of those individuals, which is not known.”*
- LMHAs and DHHS estimate that it will actually cost about \$15,000 per individual, with about 100-125 new individuals being civilly committed to an LMHA annually, for a total of \$1.5m-\$1.9m.

## WHAT IS HAPPENING WITH THE BILL?

- HB 148 did not pass the 2022 Legislative Session—interested parties asked Rep. Abbott to hold it.
- Representative Abbott has convened a working group to work out the issues. A few UAC members are involved.

# POTENTIAL ISSUES

- Definition of Serious Mental Illness
- Funding of treatment
- Funding for, standards of, and performance of evaluations
- Enforcement
- Erasure of drug courts
- Legal Issues: Civil liberties, procedural issues, potential lawsuits
- False claims of SMI or SMI didn't influence commission of crime
- Others?



LET'S DISCUSS SOLUTIONS

