

Department of Planning and Budget 2024 Session Fiscal Impact Statement

1. Bill Number: HB267

House of Origin	<input checked="" type="checkbox"/>	Introduced	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Engrossed
Second House	<input type="checkbox"/>	In Committee	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Enrolled

2. Patron: Watts

3. Committee: Committee for Courts of Justice

4. Title: Arrest/prosecution of individual experiencing mental health emergency; assault against law enforcement.

5. Summary: Provides that no individual shall be subject to arrest or prosecution for an assault or assault and battery against a law-enforcement officer if at the time of the assault or assault and battery (i) the individual (a) is experiencing a mental health emergency or (b) meets the criteria for issuance of an emergency custody order and (ii) the law-enforcement officer subject to the assault or assault and battery was responding to a call for service requesting assistance for such individual. The bill provides that no law-enforcement officer acting in good faith shall be found liable for false arrest if it is later determined that the person arrested was immune from prosecution. Currently, it is a Class 6 felony and upon conviction the sentence includes a mandatory minimum term of confinement of six months.

The bill defines the terms mental health emergency and mental illness as they relate to §18.257 (Assault and battery; penalty).

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: Preliminary (see Item 8 below).

8. Fiscal Implications: The proposed bill provides that an individual who (a) is experiencing a mental health emergency or (b) meets the criteria for issuance of an emergency custody order and (ii) the law-enforcement officer subject to the assault or assault and battery was responding to a call for service requesting assistance for such individual, will not be subject to arrest or prosecution. The provisions of this bill may have the effect of fewer people being sentenced to jail or prison. At this time, data is not available on the number of people convicted of offenses who were experiencing a mental health emergency to reliably estimate the impact on jail or prison bed space needs as a result of this proposal.

The impact this bill may have on the Department of Health and Developmental Services (DBHDS) is indeterminate. The fiscal impact this bill may have on state and local law-enforcement agencies is not known at this time. The fiscal impact statement will be updated if additional information is received.

9. Specific Agency or Political Subdivisions Affected: Department of Corrections, local and regional jails, law-enforcement agencies, Department of Behavioral Health and Developmental Services, courts.

10. Technical Amendment Necessary: No.

11. Other Comments: None.