

**SUBJECT:** Extending eligibility for treatment court programs to some dispatchers

**COMMITTEE:** Homeland Security and Public Safety — favorable, without amendment

**VOTE:** 9 ayes — White, Bowers, Goodwin, Harless, Hefner, Morales, Patterson, Schaefer, Tinderholt

0 nays

**WITNESSES:** For — (*Registered, but did not testify:* Shelby Williams, City of Plano; Matthew Lovitt, National Alliance on Mental Illness (NAMI) Texas; AJ Louderback, Sheriffs Association of Texas; Lindy Borchardt, for Tarrant County Criminal District Attorney Sharen Wilson; Louis Wichers, Texas Gun Sense; Michael Fossum; Thomas Parkinson)

Against — (*Registered, but did not testify:* Zoila Vega-Marchena)

**BACKGROUND:** Government Code ch. 129 allows the commissioners court of a county to establish a treatment court program for public safety employees, defined to include peace officers, firefighters, detention officers, county jailers, and emergency medical services workers, as an alternative to regular criminal trial when such an employee is charged with a misdemeanor or felony.

Eligibility for the program applies to defendants who are current or former public safety employees and suffer from a brain injury, mental illness, or mental disorder, including post-traumatic stress disorder, that occurred during or resulted from the defendant's duties as a public safety employee and affected the defendant's criminal conduct at issue in the case, or whose participation in the program is likely to achieve the objective of ensuring public safety through rehabilitation. A defendant's participation in the program must be consented to by the prosecutor in the relevant case.

**DIGEST:** HB 788 would extend eligibility for participation in a public safety employees treatment court program established under Government Code

ch. 129 to emergency service dispatchers.

The bill would take effect September 1, 2021, and would apply to a person who, on or after that date, entered the public safety employees treatment court program, regardless of when the person committed the relevant offense.

**SUPPORTERS  
SAY:**

HB 788 would provide critical support for the mental health and general well-being of an important class of first responders and enhance public safety by allowing emergency services dispatchers to participate in public employees treatment court programs.

Emergency dispatchers' direct engagement with the public is mentally and emotionally stressful and potentially even traumatizing. Participation in a treatment program can address the root causes of mental health problems that lead to misconduct and criminal behavior on the part of public employees. Participation in such programs has been shown to reduce subsequent arrests and days of incarceration and can help to break a cycle of incarceration and hospitalization. Emergency services dispatchers are certainly first responders, so they should have access to the same services that are available to police, firefighters and EMTs. HB 788 would ensure that dispatchers who commit a crime substantially related to their poor mental health had a chance to once again become productive members of society without further involvement in the criminal justice system.

**CRITICS  
SAY:**

No concerns identified.