

## **Resolution Spotlight**

The Resolutions adopted by the members of the County Judges and Commissioners Association of Texas (CJCAT) at the Annual Conference originate among members of Commissioners Courts and serve as the CJCAT Legislative Platform.

### **Mentally Incompetent Inmates**

#### **County Judge or Commissioner → CJCAT → Legislature**

In many Texas counties, the county jail has become a de facto mental institution housing mentally ill inmates awaiting due process without their medications and/or life-sustaining therapies.

Texas Health and Human Services (HHS) operates nine state hospitals and one residential youth center, all located across the state, for people with mental health issues.

If a judge rules that a defendant is incompetent to stand trial:

- The judge issues an order for inpatient competency restoration.
- The court mails a copy of the commitment order to the state hospital system's forensic mailbox to add the person to the waitlist for admission to a state hospital.
- Patients who need to stay in a maximum-security unit because of the level of the charged offense will be admitted to Kerrville State Hospital, Rusk State Hospital, Vernon State Hospital, or Wichita Falls State Hospital.
- All other patients are admitted to one of the other state hospitals across Texas, as determined by the county of commitment.
- Patients are admitted in the order that their commitment is received.

As of December 2025, the State of Texas reported 2,047 total online beds available. At that time, 1,740 inmates in Texas county jails were awaiting transfer to state hospital beds, as reported by the HHS Commission to the Joint Committee on Access and Forensic Services (JCAFS). Specifically, 467 inmates were waiting for a maximum-security unit (MSU) bed, with a median wait time of 165 days. In addition, 1,273 were waiting on a non-MSU bed, with a median wait time of 209 days, shared JCAFS Vice Chair Windy Johnson, program manager for the Conference of Urban Counties. The state hospital system has fewer MSU beds than non-MSU beds.

Henderson County Judge Wade McKinney was appointed to JCAFS in October 2024 and is the current chairman.

“Since the last legislative session, Texas made a huge down payment in pushing state resources into the treatment of mental health,” McKinney observed, “but due to a decades-long period of inadequate funding, we're playing catch up.”

The rising demand for mental health services continues to exceed available resources, McKinney underscored.

## **County Perspective**

Like other counties across the state, Collin County:

- a) has mentally incompetent inmates awaiting state beds; and
- b) has exceeded jail capacity requiring the transfer of inmates to other counties, which comes with a cost.

The average wait time for a state hospital bed in Collin County is 129 days, according to the Collin County Sheriff's Office.

According to the Texas Commission on Jail Standards, Collin County housed 93, 74, and 67 inmates elsewhere in January, February, and March, respectively.

Later this year, the county will transition inmates in need of mental health services into a dedicated facility, which will free up additional beds in the county jail.

In Collin County, 30 percent of inmates in the county jail have a mental health disorder, reported Collin County Commissioner Susan Fletcher. Some 25 percent are prescribed psychiatric medicines, and 20 percent are diagnosed with a serious mental illness. These statistics, and the fact that 55 percent of inmates require detox protocol at booking, prompted the Collin County Commissioners Court to take action.

The Collin County Medical & Mental Health Facility, a two-story expansion of the current detention facility in McKinney, is expected to open later this year. The county is using American Rescue Plan Act (ARPA) funds to pay for project, which will cost approximately \$112 million.

“This facility allows us to properly care for inmates with behavioral health, substance abuse, and chronic medical conditions in a purpose-built environment designed for safety and long-term resilience,” Fletcher observed.

The previous infirmary was limited to 24 medical cells, which have largely been used for mental health care since the pandemic, Fletcher continued. Adding 125 specialized beds and future shell space will allow for the transfer of inmates out of general housing and into an environment specifically designed for treatment and stabilization.

“This project addresses a critical and growing need within our detention system,” Fletcher summarized.

Members of Commissioners Courts worked with the CJCAT to develop the following resolution:

## **Mental Health Patients**

**WHEREAS**, Texas counties are being forced to hold mentally incompetent prisoners for up to two years while awaiting court-ordered transfer to a state mental facility for treatment; and

**WHEREAS**, these pre-trial inmates cost the local taxpayers approximately \$430 million per year during this period of incarceration; and

**WHEREAS**, the county jail is not an appropriate facility for the mentally ill, and these prisoners pose a high risk of injury to themselves, the jail staff, and other prisoners; and

**WHEREAS**, the North Texas State Mental Hospital recently refused to accept any additional court-ordered mental patients without providing any financial assistance to counties for this state responsibility; and

**WHEREAS**, this delay and refused admissions by the state are increasing the cost to our taxpayers and continuing this improper practice;

**NOW, THEREFORE, BE IT RESOLVED** that the County Judges and Commissioners Association of Texas hereby requests that the State of Texas implement additional funding for mental health services and implement the state mental health plan to ensure the efficient and effective use of these resources, reimburse counties for the costs of operating diversion centers that serve individuals ruled incompetent to stand trial until a state mental health bed is available, and immediately reimburse counties for the cost of incarceration of offenders who have been committed to state facilities.