

March 4, 2011

The Honorable Pat Colloton, Chairperson
House Committee on Corrections and Juvenile Justice
Statehouse, Room 167-W
Topeka, Kansas 66612

Dear Representative Colloton:

SUBJECT: Fiscal Note for HB 2334 by House Committee on Corrections and Juvenile Justice

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2334 is respectfully submitted to your committee.

HB 2334 would amend current law by expanding the procedures for identifying, evaluating, and treating defendants who are mentally incompetent to stand trial. The definition of incompetence would be modified to include physical illness, disability, mental retardation or other developmental disability, or any other etiology that results in incompetence. The bill would require individuals who administer competency evaluations to have satisfactorily completed professional forensic training or, to the extent possible, be licensed doctor level psychologists who engage in clinical practices that include therapy and assessments. Defendants who are adjudged permanently incompetent must be held for treatment for up to 12 months. Under existing law, defendants can be held for up to six months. HB 2334 would further outline procedures for pretrial release; competency evaluations, reports, and hearings; and treatment requirements.

Estimated State Fiscal Effect				
	FY 2011 SGF	FY 2011 All Funds	FY 2012 SGF	FY 2012 All Funds
Revenue	--	--	--	--
Expenditure	--	--	\$3,273,180	\$3,273,180
FTE Pos.	--	--	--	51.50

According to the Department of Social and Rehabilitation Services, passage of HB 2334 would contribute to the need to develop a new treatment unit at the Larned State Hospital—State Security Hospital, which is where most of the forensic treatment is provided. It is estimated that the new unit would require FY 2012 State General Fund resources totaling \$3,273,180 and 51.50 FTE positions. Included in the total cost are \$2,673,701 for the salaries of the positions and other

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operating costs of \$585,855. The increase in the duration of required treatment from six months to 12 months would have a significant impact on the wait time for beds. As of January 6, 2011, there were 44 individuals awaiting admission to the hospital. The average bed availability wait time at the State Security Hospital is 70 days. Of the 44 individuals awaiting admission, 16 individuals had been ordered for competency treatment. By FY 2013, other operating costs would be reduced to \$437,409, for a total estimate of \$3,124,734 for that fiscal year.

The Board of Indigents Defense indicates that the bill could result in savings of approximately \$2,000 per case in which competency evaluations are necessary. Because the bill expands report requirements, the Board would no longer need to have a second evaluation completed in certain cases as a result of insufficient information from the original Larned State Hospital competency report.

The Office of Judicial Administration indicates that there would be a fiscal effect on the operations of the court system. First, the additional procedures for determining defendant competency could result in additional time spent by court staff on proceedings. However, HB 2334 could also result in less time spent on motions and trials in cases where a defendant is identified as mentally incompetent earlier in the proceedings. It is not possible to predict how complex and time-consuming the cases would be. Therefore, a precise fiscal effect cannot be determined. In any case, the fiscal effect would most likely be accommodated within the existing schedule of court cases and would not require additional resources. Any fiscal effect associated with HB 2334 is not reflected in *The FY 2012 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven J. Anderson".

Steven J. Anderson, CPA, MBA
Director of the Budget

cc: Mary Rinehart, Judiciary
Dan Lewien, SRS
Pat Scalia, BIDS