

February 13, 2012

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 2497 by House Committee on Corrections and Juvenile Justice

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2497 is respectfully submitted to your committee.

HB 2497 would change the procedures for identifying, evaluating, and treating defendants who are mentally incompetent to stand trial.

| Estimated State Fiscal Effect | | | | |
|-------------------------------|----------------|----------------------|----------------|----------------------|
| | FY 2012 SGF | FY 2012 All Funds | FY 2013 SGF | FY 2013 All Funds |
| Revenue | -- | -- | -- | -- |
| Expenditure | -- | -- | \$3,273,180 | \$3,273,180 |
| FTE Pos. | -- | -- | -- | 51.5 |

The most substantial change in HB 2497 would require the development of a new treatment unit in the Larned State Hospital-State Security Hospital (SSH) program where forensic treatment is provided. As of January 24, 2012, there were 34 individuals awaiting admission to SSH and the average length of wait was 66 days. Of those 34 individuals awaiting admission to SSH, three individuals had been ordered for competency treatment. On this date, SSH was providing competency treatment to 25 security patients under commitment. These three pending admissions, as well as the other 31 pending district court referrals on the waiting list, could be treated immediately if a new unit were opened. The bill would also reduce the timeframe to complete competency evaluations from 60 days to 21 days. This change would require the addition of qualified forensic evaluators to complete the evaluations within the new statutory timeframe. The estimated cost of the new unit includes salary expenditures of \$2,673,701 for 51.5 FTE positions and other operating costs of \$585,855 for the first year and

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\$437,409 for subsequent years. The additional other operating expenditures in the first year would be one-time costs for supplies, equipment and furniture. More costs could result from the expanded definition of mental incompetence and specialized training in HB 2497, but cannot be developed until after additional details are specified.

The Office of Judicial Administration states that HB 2497 would impose substantial new obligations on the courts for additional hearings and expedited hearings. These include provisions of the bill that give each party an opportunity to be heard before ordering an evaluation, the requirement that the court evaluate the qualifications of competency evaluators, and that any party could move to contest the findings of an evaluation report. The bill would make holding a hearing on whether the defendant has been restored to competency mandatory instead of discretionary, which would also create additional time commitments for the courts. The Office of Judicial Administration indicates that passage of HB 2497 would cause a substantial increase in demands on the court system. However, it is not possible to predict the number of additional hearings that would arise or how complex and time-consuming they would be. Therefore, a precise fiscal effect cannot be determined. Any fiscal effect associated with HB 2497 is not reflected in *The FY 2013 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven J. Anderson", with a long horizontal flourish extending to the right.

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

cc: Mary Rinehart, Judiciary
Megan Henry, Attorney General's Office
Jackie Aubert, SRS
Scott Schultz, Sentencing Commission
Jeremy Barclay, Corrections
Pat Scalia, Indigents Defense