

Fiscal Estimate - 2015 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 15-2439/1	Introduction Number AB-0259
-----------------------------	------------------------------------

Description
 Competency determination hearings and commitment

Fiscal Effect

State:

- No State Fiscal Effect
- Indeterminate
 - Increase Existing Appropriations
 - Decrease Existing Appropriations
 - Create New Appropriations
- Increase Existing Revenues
- Decrease Existing Revenues
- Increase Costs - May be possible to absorb within agency's budget
 - Yes
 - No
- Decrease Costs

Local:

- No Local Government Costs
 - Indeterminate
 - 1. Increase Costs Permissive Mandatory
 - 2. Decrease Costs Permissive Mandatory
 - 3. Increase Revenue Permissive Mandatory
 - 4. Decrease Revenue Permissive Mandatory
5. Types of Local Government Units Affected
- Towns Village Cities
 - Counties Others
 - School Districts WTCS Districts

Fund Sources Affected	Affected Ch. 20 Appropriations
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS	

Agency/Prepared By	Authorized Signature	Date
DA/ Phil Werner (608) 267-2700	James Langdon (608) 267-1001	6/12/2015

Fiscal Estimate Narratives

DA 6/12/2015

LRB Number	15-2439/1	Introduction Number	AB-0259	Estimate Type	Original
Description Competency determination hearings and commitment					

Assumptions Used in Arriving at Fiscal Estimate

Under this bill, if a court at a competency hearing determines the defendant is not competent but is likely to become competent, and was charged with a serious felony or child sex offense, the court must commit the defendant for treatment until s/he becomes competent or for the duration of the maximum sentence for the most serious offense with which s/he is charged, whichever is shorter.

Prosecutors provided differing points of view regarding the potential fiscal impact of this bill. Some believe that it will have no fiscal effect or could even reduce the amount of time prosecutors must expend on competency hearings. Specifically, they indicated that there could be a reduction in the number of competency challenges by defense lawyers; and, if their clients face more time incarcerated if found incompetent than they might if found guilty, there may be a reluctance to challenge competency in some cases. In addition, prosecutors think this bill might reduce the delay and expense associated with current competency evaluations. Other prosecutors, however, believe the State would be required to review and appear in court at competency review hearings under the commitment laws, which would increase prosecutors' workloads since the length of the commitment proceedings has been significantly increased.

Due to a lack of a consensus among prosecutors on this issue, a fiscal impact is indeterminate.

Long-Range Fiscal Implications

For the reasons discussed above, a long-term fiscal estimate is indeterminate.