

### Fiscal Estimate - 2015 Session

Original     
  Updated     
  Corrected     
  Supplemental

<b>LRB Number</b> <b>15-1396/1</b>	<b>Introduction Number</b> <b>SB-181</b>
<b>Description</b> Competency determination hearings and commitment	
<b>Fiscal Effect</b>	
<b>State:</b> <input type="checkbox"/> No State Fiscal Effect <input checked="" type="checkbox"/> Indeterminate <div style="display: flex; justify-content: space-between;"> <div style="width: 30%;"> <input type="checkbox"/> Increase Existing Appropriations  <input type="checkbox"/> Decrease Existing Appropriations  <input type="checkbox"/> Create New Appropriations                 </div> <div style="width: 30%;"> <input type="checkbox"/> Increase Existing Revenues  <input type="checkbox"/> Decrease Existing Revenues                 </div> <div style="width: 30%;"> <input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget  <div style="display: flex; justify-content: space-around; font-size: small;"> <input type="checkbox"/> Yes      <input type="checkbox"/> No                     </div> <input type="checkbox"/> Decrease Costs                 </div> </div>	
<b>Local:</b> <input type="checkbox"/> No Local Government Costs <input type="checkbox"/> Indeterminate <div style="display: flex; justify-content: space-between;"> <div style="width: 30%;">                     1. <input type="checkbox"/> Increase Costs  <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory                      2. <input type="checkbox"/> Decrease Costs  <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory                 </div> <div style="width: 30%;">                     3. <input type="checkbox"/> Increase Revenue  <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory                      4. <input type="checkbox"/> Decrease Revenue  <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory                 </div> <div style="width: 30%;">                     5. Types of Local Government Units Affected  <input type="checkbox"/> Towns      <input type="checkbox"/> Village      <input type="checkbox"/> Cities  <input type="checkbox"/> Counties      <input type="checkbox"/> Others  <input type="checkbox"/> School Districts      <input type="checkbox"/> WTCS Districts                 </div> </div>	
<b>Fund Sources Affected</b> <b>Affected Ch. 20 Appropriations</b> <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS	
<b>Agency/Prepared By</b> DA/ Phil Werner (608) 267-2700	<b>Authorized Signature</b> James Langdon (608) 267-1001
<b>Date</b> 6/3/2015	

## Fiscal Estimate Narratives

DA 6/3/2015

LRB Number	15-1396/1	Introduction Number	SB-181	Estimate Type	Original
<b>Description</b> 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.