



## Fiscal Estimate Narratives

DHS 6/2/2015

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 current law, if a court determines that a defendant is not competent but is likely to become competent within the lesser of 12 months or the maximum sentence specified for the most serious offense with which the defendant is charged, the court shall suspend the proceedings and commit the defendant to the custody of DHS for treatment for the period of time specified above.

This bill would change the length of time during which a defendant is committed to DHS for treatment to competency when the defendant is charged with a serious child sex offense or a serious felony, as defined in existing statutes. Under the bill, DHS would be required to provide treatment to competency to such a defendant until the defendant is restored to competency or for the duration of the maximum sentence specified for the most serious offense with which the defendant is charged.

Under this bill, GPR costs to DHS will increase annually by increasing the number of GPR-funded forensic beds and GPR-funded forensic unit staff needed at the state Mental Health Institutes (MHI). The number of additional forensic beds needed annually will depend on the number of people charged with offenses covered under this bill who are found to be not competent/not likely to become competent (NC/NL) after 12 months of commitment to DHS for treatment to competency services, the maximum length of time permitted under current law. Using the most recent fiscal year of data available, the following cost estimate was arrived at.

In FY 14, there were 39 people found NC/NL after treatment at the MHIs; 18 of these people were charged with felonies. Under current law, these individuals would be discharged from the MHIs or possibly referred to the county for civil commitment proceedings. Assuming these 18 people were charged with felonies covered under this bill and that treatment to competency services are provided on an inpatient basis at a state MHI, 18 additional forensic beds will be needed annually at the MHIs. This is approximately one new forensic unit per year. Budgeted annual GPR costs of a 20-bed forensic unit are approximately \$3.3 million and 36.5 FTE. Over three years, this would be a GPR increase of \$9.9 million and 109.5 FTE. In addition, the MHIs will reach facility capacity with this level of population growth. DHS would need to increase capacity through a new facility capital project and/or have a longer waiting period for treatment to competency services, leaving persons in county jails untreated and risking non-compliance with existing state laws on timeliness of treatment.

### Long-Range Fiscal Implications

## Fiscal Estimate Worksheet - 2015 Session

Detailed Estimate of Annual Fiscal Effect

Original
  Updated
  Corrected
  Supplemental

<b>LRB Number</b> 15-1396/1		<b>Introduction Number</b> SB-181	
<b>Description</b> Competency determination hearings and commitment			
<b>I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):</b>			
One-time costs to open a forensic unit are estimated at \$219,400.			
<b>II. Annualized Costs:</b>		<b>Annualized Fiscal Impact on funds from:</b>	
		Increased Costs	Decreased Costs
<b>A. State Costs by Category</b>			
State Operations - Salaries and Fringes	\$8,400,000	\$	
(FTE Position Changes)	(109.5 FTE)		
State Operations - Other Costs	1,475,700		
Local Assistance			
Aids to Individuals or Organizations			
<b>TOTAL State Costs by Category</b>	<b>\$9,875,700</b>	<b>\$</b>	
<b>B. State Costs by Source of Funds</b>			
GPR	9,875,700		
FED			
PRO/PRS			
SEG/SEG-S			
<b>III. State Revenues - Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)</b>			
	Increased Rev	Decreased Rev	
GPR Taxes	\$	\$	
GPR Earned			
FED			
PRO/PRS			
SEG/SEG-S			
<b>TOTAL State Revenues</b>	<b>\$</b>	<b>\$</b>	
<b>NET ANNUALIZED FISCAL IMPACT</b>			
	<u>State</u>	<u>Local</u>	
NET CHANGE IN COSTS	\$9,875,700	\$	
NET CHANGE IN REVENUE	\$	\$	
<b>Agency/Prepared By</b>			
DHS/ Caroline Ellerkamp (608) 266-9364		<b>Authorized Signature</b>	<b>Date</b>
		Andy Forsaith (608) 266-7684	6/2/2015