

**FINAL
FISCAL NOTE**

Drafting Number: LLS 14-0199	Date: May 14, 2014
Prime Sponsor(s): Rep. Rosenthal Sen. Newell	Bill Status: Postponed Indefinitely
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SHORT TITLE: JUVENILE COMPETENCY TO PROCEED DETERMINATION

Fiscal Impact Summary*	FY 2014-2015	FY 2015-2016
State Revenue		
State Expenditures	<u>at least \$4,096</u>	<u>at least \$4,096</u>
General Fund	at least \$4,096	at least \$4,096
FTE Position Change		
Appropriation Required: \$4,096 - Department of Human Services (FY 2014-15).		

* This summary shows changes from current law under the bill for each fiscal year.

Summary of Legislation

Recommended by the *Legislative Oversight Committee for the Continuing Examination of the Treatment of Persons with Mental Illness Who Are Involved in the Criminal and Juvenile Justice Systems*, this bill creates a definition of "incompetent to proceed" for juveniles involved in the criminal justice system. The new definition is based on whether a juvenile's ability to understand the proceedings or communicate with his or her attorney is hindered due to a mental, developmental, or intellectual disability. The bill also clarifies that competency evaluations may be conducted in a home or community placement if appropriate.

State Expenditures

Overall, this bill is anticipated to increase state expenditures by at least \$4,096 General Fund per year, beginning in FY 2014-15.

Assumptions. By establishing a broader juvenile-specific definition of incompetent to proceed, this bill is expected to increase the number of competency evaluations conducted in the future by at least 5 percent from the existing annual average of 118 evaluations. The anticipated increase is based on the inclusion of intellectual disabilities as new criteria to be considered as a basis for a competency evaluation. This analysis also assumes that the bill's provisions clarifying that competency evaluations may be conducted in a home or community placement setting will not alter placement decisions or the type of evaluations required. Judges have the authority to decide where a juvenile should be placed pending trial and current law already requires that evaluations be conducted in the least restrictive environment.

Department of Human Services. Costs for the Department of Human Services will increase by at least \$4,096 General Fund per year. This cost is based on the assumption that a minimum of six additional evaluations will occur in any given year. Should the number of evaluations increase at a faster pace, the fiscal note assumes that the Department of Human Services will request additional appropriations through the annual budget process.

Office of the State Public Defender. Costs for the Office of the State Public Defender may increase if additional experts need to be hired for juvenile cases. This increase is anticipated to be minimal.

Effective Date

The bill was postponed indefinitely by the House Judiciary Committee on January 14, 2014.

State Appropriations

For FY 2014-15, the Department of Human Services requires an appropriation of \$4,096 General Fund.

State and Local Government Contacts

District Attorneys

Human Services

Judicial