

February 16, 2023

The Honorable Stephen Owens, Chairperson
House Committee on Corrections and Juvenile Justice
300 SW 10th Avenue, Room 546-S
Topeka, Kansas 66612

Dear Representative Owens:

SUBJECT: Fiscal Note for HB 2354 by House Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2354 is respectfully submitted to your committee.

HB 2354 would require a district court to order a county attorney or the Kansas Department for Aging and Disability Services (KDADS) to file a care and treatment case for involuntary commitment for any defendant that is waiting for competency determination for a period equal to or longer than the maximum possible criminal sentence less 21 days.

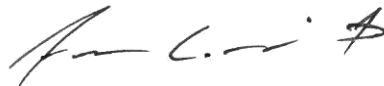
The Office of Judicial Administration indicates that HB 2354 could have a fiscal effect on expenditures of the Judicial Branch. The bill could result in additional care and treatment cases and dismissal of the criminal case. In addition, the court services officers may have to track potential maximum sentences and when the defendant would meet the 21 days. Nevertheless, until the courts have had an opportunity to operate under the provisions of HB 2354, an accurate estimate of the fiscal effect on expenditures by the Judicial Branch cannot be given.

KDADS indicates that HB 2354 would have a fiscal effect on expenditures but is unsure if it would increase or decrease expenditures. The agency is not able to calculate a fiscal effect without reviewing the legal status of each defendant on the waiting list to determine if they would move faster to discharge or be moved to a care and treatment case. It is likely that the bill would shift some patients from the State Security Program to the Psychiatric Services Program at Larned State Hospital or Osawatomie State Hospital depending on the outcome of the care and treatment case and the county of residence for the patient.

The Kansas Department of Corrections indicates that HB 2354 would have no fiscal effect on agency operations. Any fiscal effect associated with HB 2354 is not reflected in *The FY 2024 Governor's Budget Report*.

The Kansas Association for Counties indicates that HB 2354 would have a fiscal effect on county expenditures. With delays getting into state hospitals for mental health patients, holding individuals at the county level is a county expense that is not reimbursed by the state. There would also be a cost to have the involuntary commitment proceeding, and to ultimately transport the individual to the state hospital.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Proffitt", with a stylized flourish at the end.

Adam Proffitt
Director of the Budget

cc: Leigh Keck, Department for Aging & Disability Services
Randy Bowman, Department of Corrections
Vicki Jacobsen, Judiciary
Jay Hall, Kansas Association of Counties