



To: House Committee on Corrections and Juvenile Justice

From: Nathan Eberline – Kansas Association of Counties

Date: February 17, 2012

Re: House Bill 2707 – Judicial Review of Mentally Incompetent Defendants

House Bill 2707 is an expansive legislative proposal, which would overhaul criminal procedures for incompetent defendants. While the Kansas Association of Counties applauds the efforts of this committee in addressing the important issue of mental illness, we strongly oppose passing a sizeable unfunded mandate to the counties.

HB 2707 makes liberal use of county resources including the introduction of multiple hearings, an expansive notification process, and county-provided care through security hospitals. The consequence is a sizeable increase in personnel time devoted to shepherding defendants through the new procedural steps. In addition to the increased time and potential expense of the process, there is the potentially limitless requirement that counties house defendants in security hospitals—a detention option with limited beds and decreased funds. The combination is a bill wrought with unfunded mandates. This will severely impact county budgets and spur the introduction of new local taxes.

Again, the ideas behind this bill are noble, but if the State deems this to be important and necessary, please fund it through the State's budget. As currently written, this measure passes a significant policy obligation onto local tax-payers. We urge this committee to vote against HB 2707 and vote against unfunded mandates.

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