

February 16, 2016

The Honorable John Rubin, Chairperson
House Committee on Corrections and Juvenile Justice
Statehouse, Room 151-S
Topeka, Kansas 66612

Dear Representative Rubin:

SUBJECT: Fiscal Note for HB 2639 by House Committee on Corrections and Juvenile Justice

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2639 is respectfully submitted to your committee.

HB 2639 would create the Emergency Observation and Treatment Act that would allow a licensed crisis recovery center to admit and detain any person 18 years of age and older who is presented for emergency observation and treatment. The bill would require a written application from a law enforcement officer, behavioral health professional, or other reliable individual having contact with the person. A state psychiatric hospital would not be permitted to detain the person without a written statement from a qualified mental health professional authorizing the admission. The bill would specify the required content of the application which would include a statement that the person is a mentally ill person or a person with an alcohol or substance abuse problem subject to commitment for care and treatment.

The bill would also establish a list of rights for persons detained under the act and establish that anyone acting in good faith and without negligence would be free from criminal and civil liability arising out of activity that would detain a mentally ill person or a person with an alcohol or substance abuse problem.

The Office of Judicial Administration indicates that passage of the bill is not expected to have any significant fiscal effect on Judicial Branch expenditures, although the bill could increase the number of cases filed in district courts. The bill could increase time spent by court personnel. According to the Kansas Association of Counties, the bill would not have a fiscal effect for counties. The fiscal effect for the Kansas Department of Aging and Disability Services

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would be limited to the development of standards which could be accomplished within existing agency resources. Any fiscal effect associated with HB 2639 is not reflected in *The FY 2017 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Shawn Sullivan", with a horizontal line extending to the right.

Shawn Sullivan,
Director of the Budget

cc: Brad Ridley, Aging & Disability Services
Ashley Michaelis, Judiciary
Melissa Wangemann, Association of Counties
Larry Baer, League of Municipalities