



**Colorado
Legislative
Council
Staff**

SB17-012

**REVISED
FISCAL NOTE**

(replaces fiscal note dated January 31, 2017)

FISCAL IMPACT: State Local Statutory Public Entity Conditional No Fiscal Impact

Drafting Number: LLS 17-0149	Date: May 8, 2017
Prime Sponsor(s): Sen. Martinez Humenik Rep. Lee	Bill Status: House Judiciary
	Fiscal Analyst: Kerry White (303-866-3469)

BILL TOPIC: COMPETENCY RESTORATION SERVICES AND EDUCATION

Fiscal Impact Summary	FY 2017-2018	FY 2018-2019
State Revenue		
State Expenditures	\$18,000	Increase.
Cash Funds	18,000	See State Expenditures section.
Appropriation Required: \$18,000 - Department of Human Services (FY 2017-18).		
Future Year Impacts: Ongoing state expenditure increase.		

Summary of Legislation

This *reengrossed* bill, *recommended by the Legislative Oversight Committee Concerning the Treatment of Persons with Mental Illness in the Criminal and Juvenile Justice Systems*, establishes the Office of Behavioral Health in the Department of Human Services (DHS) as the agency responsible for restoration education and the coordination of competency restoration services.

Court procedures. Under current law, the court must review a juvenile's progress toward competency at least every 90 days. For juveniles in custody, this bill requires the court to review their case every 30 days. This bill also directs the court to consider whether restoration of competency should occur on an outpatient basis for defendants on bond or summons.

Competency restoration services. Under current law, restoration services are to be provided in the least restrictive environment. This bill adds the requirement that provision of restoration services and a juvenile's participation occur in a timely manner.

On or before December 1, 2017, the DHS is required to develop standardized juvenile and adult curricula for the educational component of competency restoration services that can be tailored to meet individual needs, including those of persons with intellectual and developmental disabilities. The DHS is required to submit a budget request to the Joint Budget Committee in November 2017 detailing its financing needs in order to assume the following responsibilities as of July 1, 2018:

- overseeing providers of the education component of competency restoration services
- developing models for providing competency restoration services that integrate the education component with other case management and treatment, ensuring ongoing treatment, avoid duplication, and achieve efficiencies;

- preserve the integrity of the competency evaluation process;
- engage with key stakeholders to develop best practices in the delivery of competency restoration services; and
- make recommendations for legislation.

On or before January 1, 2019, and every January 1 thereafter, DHS is required to submit an annual written report to the General Assembly regarding its progress implementing the bill.

Background

Under current law, a defendant found to be incompetent to proceed may be released on bond with treatment or habilitation services at a community mental health center being required. If the court determines that the defendant is not eligible for release, it may commit the defendant to the custody of the DHS. Juveniles found to be incompetent to proceed are ordered by the court to receive services designed to restore competency in the least-restrictive manner possible while taking public safety into consideration.

The DHS is authorized to designate the state facility at which the defendant will be held for care. Restoration services are currently provided through the Colorado Mental Health Institute at Pueblo (CMHIP) or through a contract with services provided at the Arapahoe County jail. In FY 2015-16, there were 671 competency restoration orders issued by Colorado courts, with 450 inpatient restorations and 221 outpatient restorations.

State Expenditures

For FY 2017-18, \$18,000 is needed for the development of a competency restoration curriculum. This cost assumes that DHS will modify the Florida state hospital model to make it conform to Colorado law and the requirements of Senate Bill 17-012.

Competency restoration services. Expenditures will increase in FY 2018-19 and future years by an indeterminate amount. Per the bill's requirements, the fiscal note assumes that the DHS will request additional funding through the FY 2018-19 budget process.

Judicial Department. Overall, this bill is expected to increase workload in the trial courts for competency hearings by a minimal amount. This increase can be accomplished within existing appropriations. It is possible that the bill will reduce costs in the Office of the Child's Representative if the bill results in fewer hearings set due to the inability to secure restoration services. These savings have not been estimated, but are also assumed to be minimal.

Effective Date

The bill takes effect August 9, 2017, if the General Assembly adjourns on May 10, 2017, as scheduled, and no referendum petition is filed.

State Appropriations

For FY 2017-18, this bill requires and includes an appropriation of \$18,000 from the Marijuana Tax Cash Fund to the Department of Human Services.

State and Local Government Contacts

Human Services Information Technology Judicial Sheriffs