



**Colorado
Legislative
Council
Staff**

SB16-019

FISCAL NOTE

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

Drafting Number: LLS 16-0262	Date: February 16, 2016
Prime Sponsor(s): Sen. Cooke	Bill Status: Senate Judiciary
Rep. Saine; Foote	Fiscal Analyst: Jessika Shipley (303-866-3528)

BILL TOPIC: VIDEOTAPE MENTAL CONDITION EVALUATIONS

Fiscal Impact Summary	FY 2016-2017	FY 2017-2018
State Revenue		
State Expenditures	<u>\$96,122</u>	<u>\$41,122</u>
General Fund	89,442	34,104
Centrally Appropriated Costs	6,680	7,018
FTE Position Change	0.5 FTE	0.5 FTE
Appropriation Required: \$89,422 - Department of Human Services (FY 2016-17).		
Future Year Impacts: Ongoing state expenditure and workload increases.		

Summary of Legislation

This bill requires audio-visual recording of court-ordered mental condition examinations. The recording must be preserved and provided with the examination report to all parties to the case and to the court.

Background

Two different types of mental condition examinations are covered by the bill. A sanity examination is ordered by a court in a criminal case where the defendant enters a plea of not guilty by reason of insanity (NGRI). An impaired mental condition examination occurs when the defendant asserts the defense of impaired mental condition. Both types of examinations may take place at a state-run mental health facility, the place where the defendant is being held in custody, or another place designated by the court, with preference being given to the place where the defendant is being held.

The bill does not apply to competency evaluations, which determine, prior to entering a plea in a criminal case, whether a defendant is competent to proceed.

State Expenditures

This bill increases state General Fund expenditures by \$96,122 and 0.5 FTE in FY 2016-17 and by \$41,122 and 0.5 FTE in FY 2017-18 and future years in the Department of Human Services (DHS), as explained in Table 1 and the narrative below.

Table 1. Expenditures Under SB 16-019		
Cost Components	FY 2016-17	FY 2017-18
Personal Services	\$27,482	\$29,979
FTE	0.5 FTE	0.5 FTE
Operating Expenses and Capital Outlay Costs	2,827	475
Modification of A/V Room at CMHIP	37,206	0
Mobile A/V Unit for Outpatient Exams	18,327	0
Memory Cards for Storage of Recordings	3,600	3,650
Centrally Appropriated Costs*	6,680	7,018
TOTAL	\$96,122	\$41,122

* Centrally appropriated costs are not included in the bill's appropriation.

Assumptions. This fiscal notes makes the following assumptions:

- approximately 75 mental condition examinations are projected for each of the next four fiscal years;
- a little over half of those examinations take place at the Colorado Mental Health Institute at Pueblo (CMHIP), with the rest occurring in county jails;
- the examinations are time-intensive (an average of 10 hours each);
- the recordings are likely to be meticulously scrutinized in court and, therefore, need to be of reasonably high quality and carefully preserved; and
- the personal services expenditures for FY 2016-17 have been prorated to account for the General Fund pay date shift.

Recordings. Examinations are conducted by certified psychiatrists, but they are neither qualified to make recordings, nor do they have the time during the exam to devote to audio-visual concerns. In order to record all inpatient examinations, DHS will retrofit a room at CMHIP with recording and monitoring equipment. This equipment will be operated by a media specialist and scheduled by a program assistant. Additionally, a mobile recording unit will be built to take to jails for outpatient examinations. The mobile unit will also be operated by a media specialist and scheduled by a program assistant. The recordings will be stored on high-quality memory cards for preservation purposes.

Centrally appropriated costs. Pursuant to a Joint Budget Committee policy, certain costs associated with this bill are addressed through the annual budget process and centrally appropriated in the Long Bill or supplemental appropriations bills, rather than in this bill. The centrally appropriated costs subject to this policy are estimated in the fiscal note for informational purposes and summarized in Table 2.

Table 2. Centrally Appropriated Costs Under SB 16-019		
Cost Components	FY 2016-17	FY 2017-18
Employee Insurance (Health, Life, Dental, and Short-term Disability)	\$4,328	\$4,332
Supplemental Employee Retirement Payments	2,352	2,686
TOTAL	\$6,680	\$7,018

Effective Date

The bill takes effect July 1, 2016, and applies to court-ordered mental condition examinations conducted on or after that date.

State Appropriations

For FY 2016-17, the bill requires a General Fund appropriation of \$89,442 and an allocation of 0.5 FTE to DHS.

Departmental Difference

The department requested an additional 0.3 FTE for a correctional officer at a cost of about \$25,000 per year to escort patients to examinations and be present throughout; however, the fiscal note assumes that patients are already being escorted to examinations and this bill will not directly increase the workload of the correctional officers at CMHIP.

State and Local Government Contacts

District Attorneys
Judicial

Corrections
Sheriffs

Human Services

Research Note Available

An LCS Research Note for SB16-019 is available online and through the iLegislate app. Research notes provide additional policy and background information about the bill and summarize action taken by the General Assembly concerning the bill.