

**STATE  
FISCAL IMPACT**

**Drafting Number:** LLS 14-0199  
**Prime Sponsor(s):** Rep. Rosenthal  
 Sen. Newell

**Date:** January 9, 2013  
**Bill Status:** House Judiciary  
**Fiscal Analyst:** Kerry White (303-866-3469)

**SHORT TITLE:** JUVENILE COMPETENCY TO PROCEED DETERMINATION

Fiscal Impact Summary*	FY 2014-2015	FY 2015-2016
<b>State Revenue</b>		
<b>State Expenditures</b>	<b>at least \$4,096</b>	<b>at least \$4,096</b>
General Fund	at least \$4,096	at least \$4,096
<b>FTE Position Change</b>		
<b>Appropriation Required:</b> \$4,096 - Department of Human Services (FY 2014-15).		

\* This summary shows changes from current law under the bill for each fiscal year.

**Summary of Legislation**

Recommended by the **Legislative Oversight Committee for the Continuing Examination of the Treatment of Persons with Mental Illness Who Are Involved in the Criminal and Juvenile Justice Systems**, this bill creates a definition of "incompetent to proceed" for juveniles involved in the criminal justice system. The new definition is based on whether a juvenile's ability to understand the proceedings or communicate with his or her attorney is hindered due to a mental, developmental, or intellectual disability. The bill also clarifies that competency evaluations may be conducted in a home or community placement if appropriate.

**State Expenditures**

Overall, this bill is anticipated to increase state expenditures by at least \$4,096 General Fund per year, beginning in FY 2014-15.

**Assumptions.** By establishing a broader juvenile-specific definition of incompetent to proceed, this bill is expected to increase the number of competency evaluations conducted in the future by at least 5 percent from the existing annual average of 118 evaluations. The anticipated increase is based on the inclusion of intellectual disabilities as new criteria to be considered as a basis for a competency evaluation. This analysis also assumes that the bill's provisions clarifying that competency evaluations may be conducted in a home or community placement setting will not alter placement decisions or the type of evaluations required. Judges have the authority to decide where a juvenile should be placed pending trial and current law already requires that evaluations be conducted in the least restrictive environment.

***Department of Human Services.*** Costs for the Department of Human Services will increase by at least \$4,096 General Fund per year. This cost is based on the assumption that a minimum of six additional evaluations will occur in any given year. Should the number of evaluations increase at a faster pace, the fiscal note assumes that the Department of Human Services will request additional appropriations through the annual budget process.

***Office of the State Public Defender.*** Costs for the Office of the State Public Defender may increase if additional experts need to be hired for juvenile cases. This increase is anticipated to be minimal.

**Effective Date**

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

**State Appropriations**

For FY 2014-15, the Department of Human Services requires an appropriation of \$4,096 General Fund.

**State and Local Government Contacts**

District Attorneys

Human Services

Judicial