

**STATE and LOCAL
FISCAL IMPACT**

Drafting Number: LLS 13-0766

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Prime Sponsor(s): Sen. Ulibarri
Rep. Lee

Bill Status: Senate Judiciary

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TITLE: CONCERNING THE AUTHORITY OF PSYCHOLOGISTS TO CONDUCT MENTAL HEALTH EVALUATIONS OF PERSONS CHARGED WITH A CRIME.

Fiscal Impact Summary	FY 2013-2014	FY 2014-2015
State Revenue		
State Expenditures	See State Expenditures section.	
FTE Position Change		
Effective Date: August 7, 2013, if the General Assembly adjourns on May 8, 2013, as scheduled, and no referendum petition is filed.		
Appropriation Summary for FY 2013-2014: None required.		
Local Government Impact: Potential savings. See Local Government section.		

Summary of Legislation

The bill authorizes licensed psychologists who have a certification in forensic psychology to perform mental health evaluations to determine a criminal defendant's sanity or impaired mental condition if appointed by the courts. Under current law, psychologists may only be appointed to assist a psychiatrist in performing such evaluations.

State Expenditures

The bill may reduce the time required for a mental health evaluation to be performed when a criminal defendant's sanity or impaired mental condition must be determined. However, any impact on state agencies and the courts depends on the extent to which licensed psychologists are appointed and evaluations conducted in a more timely manner, which cannot be predicted at this time. Overall, any cost or time savings are expected to be minimal, and if they occur, will be accounted for in the annual budget process. The details of the bill's impacts are discussed below.

Department of Human Services. Authorizing an additional type of mental health professional to perform evaluations may allow criminal defendants to be evaluated more quickly at the Colorado Mental Health Institution at Pueblo (CMHIP) when awaiting trial. Given that the CMHIP is operating at or near full capacity, faster processing of mental health evaluations is not expected to reduce the need for bed space at the facility. In terms of evaluation costs, the

Department of Human Services contracts for mental health evaluations of criminal defendants using established rates based on the type of examination to be performed, rather than the types of providers involved. Therefore, costs in the DHS are not expected to change as a result of the bill.

Courts. To the extent that evaluations are conducted in a more timely manner under the bill, potential delays in court proceedings could be averted prior to trial. Given that cases involving the competency or sanity of defendants are not a significant portion of total cases, the overall workload of the courts is not expected to be significantly affected.

Local Government Impact

The bill may reduce the amount of time that defendants are held in pretrial detention in county jails before receiving mental health evaluations. To the extent psychologists are used to perform mental health examinations and the length of pretrial detention is reduced, counties may incur cost savings.

Departments Contacted

Human Services Judicial Counties District Attorneys