

Individual State Agency Fiscal Note

Bill Number: 6395 SB	Title: Incompetent defendant	Agency: 300-Dept of Social and Health Services
-----------------------------	-------------------------------------	-------------------------------------------------------

Part I: Estimates

No Fiscal Impact

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Kevin Black	Phone: (360) 786-7747	Date: 01/23/2014
Agency Preparation: Martha Brenna	Phone: 3609028194	Date: 01/31/2014
Agency Approval: Kelci Karl-Robinson	Phone: 360-902-8174	Date: 01/31/2014
OFM Review: Richard Pannkuk	Phone: (360) 902-0539	Date: 01/31/2014

Request # 146395SB-1

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Briefly describe by section number, the significant provisions of the bill, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.

New Section 1: The Department of Social and Health Services is encouraged to develop, on a phased-in basis, alternative locations and increased access to competency restoration services for individuals who do not require in-patient psychiatric hospitalization level services. Restoration services may occur within county-operated jails. The section is subject to availability of appropriation for this purpose.

Section 2 (1)(ii) amends RCW 10.77.086 (Commitment-Procedure in felony charge) and adds language clarifying that a defendant may be ordered to undergo evaluation and treatment at some other facility and that such a facility may include county jails.

Section 3 (1)(i) amends RCW 10.77.088 (Placement – Procedure in nonfelony charge) so that, for a defendant charged with a nonfelony crime which is a serious offence and found to be not competent, the court may order the defendant placed at a secure mental health facility and clarifies that such facilities may include county jails.

Section 4 amends RCW 10.77.220 (Incarceration in correctional institution or facility prohibited – Exceptions.) Confinement in a state correctional institution or facility pursuant to RCW 10.77 is prohibited unless the confinement is in a mental health facility located wholly within a correctional institution. The RCW is amended to clarify that confinement in a county jail or other local facility if ordered for purposes of competency restoration treatment is not prohibited.

II. B - Cash receipts Impact

Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.

II. C - Expenditures

Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.

The department may develop alternative locations subject to the availability of amounts appropriated; therefore, there is assumed to be no fiscal impact to the Department of Social and Health Services.

If the alternative of providing competency restoration at a local facility were developed, there would be costs to provide competency restoration staffing, a daily housing rate, and psychotropic medication. No assumptions are being made with regard to making capital improvements or who actually would employ the staff.

For purposes of illustration, assume the local unit has 30 competency restoration spaces per month and remains at full occupancy for a year. This example estimates a total cost of \$1,908,764 for 30 local competency restoration spaces. The cost reduces by \$59,000 in the second year as furniture is only purchased one time, and benefit rates are slightly different. It is assumed that 9.5 FTE are needed to provide competency restoration staffing at a 30 bed facility at a total cost of \$919,000 in the first year and \$860,000 in the second year of a program.

The daily housing rate is based on the King County Correctional Facility and is \$85 for a yearly cost of $85 \times 30 \times 365 \text{ days} = \$930,750$. To illustrate a likely cost for medication a one month snapshot of a competency

restoration forensic ward at Western State Hospital Competency Restoration unit housing 28 patients is \$4,590.
The cost adjusted for 30 competency restoration spaces is $\$4,590/28*30*12$ for a year = \$59,014.

Part III: Expenditure Detail

Part IV: Capital Budget Impact

NONE

Part V: New Rule Making Required

Identify provisions of the measure that require the agency to adopt new administrative rules or repeal/revise existing rules.