

Department of Planning and Budget 2014 Fiscal Impact Statement

1. Bill Number: SB541

House of Origin Introduced Substitute Engrossed
Second House In Committee Substitute Enrolled

2. Patron: Howell

3. Committee: Courts of Justice

4. Title: Competency of criminal defendant; reports for restoration providers.

5. Summary: Competency of criminal defendant; reports for restoration providers. Requires the defendant's attorney to make available to the director of the community services board, behavioral health authority, or inpatient facility charged with treating the defendant the psychiatric record and other information deemed relevant and submitted by the defendant's attorney to the evaluator. Current law requires that the evaluator's competency report be made available to the treating entity but there is no time limit. The bill requires that all of these records and reports be made available to the treating entity within 96 hours of the issuance of the court order requiring treatment to restore competency.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: No fiscal impact.

8. Fiscal Implications: This bill has no fiscal impact as it codifies current practice. Many attorneys already are copying and proving records, although unless an attorney is experienced with the relevant Code, Community Services Boards (CSB) have to call or write and ask for records, which results in delays in starting treatment. Therefore, this bill will not create any new work for CSBs. In fact, it may decrease CSB workload as records will be sent automatically rather in response to a call/letter.

9. Specific Agency or Political Subdivisions Affected: Community Services Boards.

10. Technical Amendment Necessary: No.

11. Other Comments: This bill is a companion to HB585.