

February 24, 2025

The Honorable Kellie Warren, Chairperson
Senate Committee on Judiciary
300 SW 10th Avenue, Room 346-S
Topeka, Kansas 66612

Dear Senator Warren:

SUBJECT: Fiscal Note for SB 243 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 243 is respectfully submitted to your committee.

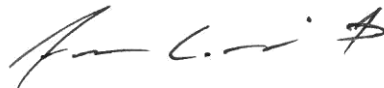
SB 243 would allow the court to order competency evaluations for a defendant on an outpatient basis for misdemeanors. The bill would prohibit a court from ordering a competency evaluation unless the court holds a hearing and issues an order with certain information. The court would be required to provide a report to the facility conducting the outpatient competency evaluation or to a state facility conducting an inpatient competency evaluation. The bill would prohibit any statement made by a defendant during a competency evaluation to be admitted as evidence against the defendant in a criminal proceeding. The bill would specify that a defendant charged with a misdemeanor offense and found incompetent to stand trial would be ordered to receive outpatient evaluation and treatment unless certain conditions are present, including the defendant being held in a jail that does not have the necessary resources for evaluation and treatment. The bill would also outline procedures and reporting requirements for commitment to a state hospital for inpatient competency evaluations for defendants charged with felony offenses.

The Kansas Department for Aging and Disability Services (KDADS) indicates enactment of the bill could increase the number of outpatient competency evaluations and competency restoration services it would be required to provide. KDADS notes that it provides funding to the Community Mental Health Centers and Certified Community Behavioral Health Clinics to conduct outpatient competency services. The bill could increase the number of evaluations performed by these facilities for outpatient competency services. KDADS states that current resources are sufficient to absorb additional evaluations and restoration services. KDADS notes that shifting defendants who can appropriately receive competency services from an inpatient to an outpatient

basis may potentially decrease the number of defendants being ordered to the limited number of inpatient beds at the state security hospital, which may reduce the length of time defendants ordered by the court wait for admission. KDADS states that the bill could affect Community Mental Health Centers that perform competency evaluation and restoration services through additional referrals from courts for misdemeanor cases, which could encourage additional facilities to conduct competency evaluations and restoration. However, any fiscal effect on the agency could be absorbed within existing resources.

The Office of Judicial Administration indicates enactment of the bill would increase expenditures for the Judicial Branch because the bill requires judges to hold additional hearings, make findings, and issue court orders in certain cases. In addition, the Office states district court clerks would be required to provide copies of the court orders to certain entities. These requirements would increase the workload of district court personnel. However, a fiscal effect cannot be estimated. Any fiscal effect associated with SB 243 is not reflected in *The FY 2026 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam C. Proffitt", with a stylized flourish at the end.

Adam C. Proffitt
Director of the Budget

cc: Trisha Morrow, Judiciary
Leigh Keck, Department for Aging & Disability Services