

Vermont Legislative Joint Fiscal Office

One Baldwin Street • Montpelier, VT 05633-5701 • (802) 828-2295 • Fax: (802) 828-2483

FISCAL NOTE

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Prepared by: Maria Belliveau and Nolan Langweil

S.61 – A Bill Relating to Courts, Corrections, Mental Health

As passed the House Committee on Corrections and Institutions

1. Overview of Sections 1, 2 and 7

- Sec. 1 amends 13 V.S.A. § 4820(a)(2) by specifying persons found upon hearing pursuant to 4817 of Title 13 V.S.A. to be incompetent to stand trial due to mental illness or intellectual disability.
- Sec 1 adds 13 V.S.A. § 4820(c) to provide persons found incompetent to stand trial an appointed counsel from Vermont Legal Aid to represent the person who is the subject of the proceedings and from the Office of the Attorney General to represent the State in the proceedings.
- Sec. 2 clarifies Notice of Hearing; procedures language.
- Sec. 7 amends the designated committees that will receive the report submitted by the Agency of Human Services (AHS) regarding how to best provide mental health treatment and services to offenders in the custody of the Department of Corrections and the second report on the resources necessary to comply with the requirements set forth in 13 V.S.A. § 4820(c).

2. Impact on State Budget and State Employees

These are preliminary estimates of the costs associated with Sec.1(c) of S.61. A more complete analysis of the potential costs incurred in Fiscal Year 2019 will be included in the report required in Section 7(2) of the bill.

For Vermont Legal Aid: Representing clients pursuant to 13 V.S.A. § 4820(c) will require additional funding in Fiscal Year 2019 for staff and anticipated independent psychiatric examinations. Based upon an estimated 197 cases of defendants being found incompetent to stand trial, it is estimated Legal Aid will need two additional FTE Attorneys costing **between \$240,000 and \$250,000**. The Agency of Human Services currently already has a contract with Legal Aid, so a contract amendment would be added to provide these services.

For the Agency of Human Services: Cases resulting from 13 V.S.A. § 4820(c) will require additional funding in Fiscal Year 2019 for staff and independent psychiatric examinations. AHS estimates that they will need 1.5 additional positions as well as funds to pay the costs associated with conducting the hearings which will include assessments and independent

psychiatric examinations. The estimated cost of 1.5 attorneys with 1 to 5 years' experience is between **\$95,000 and \$155,000**, which assumes base salary, benefits, and operating expenses (computer, space, phone, travel, supplies, etc.)

AHS's cost estimate for assessments and psychiatric examinations range from **\$120,000 to \$150,000**. This assumes 200 additional assessments costing up to \$1,000 each.

Preliminary Cost Estimates

	Low	High
Legal Aid	\$240,000	\$250,000
DMH Staff	\$97,000	\$156,000
Assessments	\$120,000	\$150,000
	\$457,000	\$556,000

3. Other Sections

The bill also requires the Commissioner of the Department of Corrections to administer a program of trauma-informed mental health services which shall be available to all inmates and provide adequate staff to support the program, including providing treatment, evaluation, or services in a setting appropriate to the clinical needs of the inmate (Sec. 6). It also requires that a forensic mental health center be available to provide comprehensive assessment, evaluation, and treatment for detainees and inmates with mental illness by July 1, 2019 (Sec. 9). **It is not yet known what the fiscal impact will be at this time, however AHS expects the cost could be significant** (potentially costing of millions of dollars) as early as FY 2019.¹ Again, the bill requires AHS to report to the legislature on the resources necessary to comply with 13 V.S.A. § 4820(c) to be taken into consideration for the FY 2019 budget deliberations in the next legislative session.

¹ According to the AHS, the Department of Corrections would either need to build a new facility or undergo renovations to an existing facility. It would also need to be staffed by mental health professionals (nurses, LIPs, etc. and overseen by at least one psychiatrist).