

of treatment. If involuntarily committed, the respondent would be placed in a forensic psychiatric facility.

SB 188 would have a minimal fiscal impact on local governments. A respondent could be in county jail during the pendency of the involuntary commitment proceeding if the respondent, as a defendant, had been unable to post bond on the underlying charges. A commitment hearing must be held within 20 days of the filing of a petition. From the time of the initial finding that the defendant/respondent was incompetent to stand trial through the petition process, hearing, and resolution, the respondent might be incarcerated in the jail for an additional period of 25-30 days or more. *Currently, a petition could be filed with a respondent who is in a county jail for a period of time before being transported to a psychiatric facility.* Thus, the length of stay in a jail for a period of time until disposition of the petition may not significantly change current practice. Both county attorney and Commonwealth's attorneys could file petitions under this bill.

The total number of individuals involved would not be significant for most counties. In 2019, there were 76 cases in Kentucky resulting in persons who were found incompetent to stand trial for any felony, misdemeanor, or traffic offense. Of these, 13 were in Circuit Court. Of the remaining 63 cases in District Court, 49 were in Jefferson County. **Only four involved a Class A or Class B felony offense.**

There would be some minimal cost to jails and county attorney offices for staff training related to the bill's provisions.

Local governments are responsible for costs associated with incarcerating persons charged with felony defendants (which the respondents would be under the involuntary commitment proceedings of this bill) until resolution of the case. The expense varies by jail, but the estimated impact is \$31.34 per day, which equals the per diem and medical that the Department of Corrections pays to jails to house felony offenders. The cost for an additional 30-day incarceration for one respondent would be \$940.20.

Part III: Differences to Local Government Mandate Statement from Prior Versions

Part II, above, relates to the bill as introduced.

Data Source(s): LRC staff; Administrative Office of the Courts; Jefferson County
Commonwealth's Attorney; Department of Corrections

Preparer: Robert Jenkins **Reviewer:** KHC **Date:** 3/4/20