

STATEMENT OF PURPOSE

RS21480

This bill has been developed by the Supreme Court in consultation with the Department of Correction and Department of Health and Welfare. It would provide an improved process for the screening and assessment of persons who have been found guilty of felonies in order to identify those who have a substance use disorder or serious mental illness.

In 2007 the Legislature enacted Idaho Code § 19-2524, a product of the Legislature's Mental Health and Substance Abuse Treatment Delivery System Interim Committee, which recommended "legislation to allow judges to order community-based treatments from standard statewide assessments." Based upon the experience gained over the last few years, this bill would amend Idaho Code § 19-2524 in two steps. Effective July 1, 2012, the statute would reflect legislative decisions regarding appropriations and funding for treatment. The Department of Correction would bear the expense for screenings, assessments and treatment for substance use disorders, while the Department of Health and Welfare would bear the expense for mental health examinations and treatment. Costs for assessments, evaluations and treatment could be recovered from offenders based on their ability to pay and the funds they receive from other sources for the services provided. On March 1, 2013, additional amendments would go into effect that would: (1) ensure the use of standardized processes to provide timely, accurate information for use at sentencing or other disposition hearings in felony cases in order to avoid unnecessary delay in case processing; (2) clarify that the screening, assessment and evaluation process can be used at any time following a finding of guilt while the court exercises jurisdiction over the defendant; and (3) establish a working definition of serious mental illness.

The bill also amends Idaho Code § 19-2522, which provides that a court shall order a mental examination of a defendant when there is reason to believe that the mental condition of the defendant will be a significant factor at sentencing. The bill would allow the report of any mental health examination to be used to satisfy the requirements of Idaho Code § 19-2522 if the report included the required information and the examination was sufficiently recent to reflect the defendant's present mental condition.

FISCAL NOTE

The costs associated with the bill cannot be calculated with precision, but there should be a net savings to the general fund. While more offenders would undergo screening, the screening process consists of a brief interview and is not very costly. As a result of the screenings, many offenders will be determined not to be in need of a more lengthy and costly substance use disorder assessment or mental health evaluation. While the less costly screenings will increase, the more costly assessments and evaluations should decrease. It is expected that the more comprehensive screening, assessment and evaluation process will result in more offenders being placed in community based treatment rather than being incarcerated, resulting in a reduction in correction costs and more effective rehabilitation.

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