

## STATEMENT OF PURPOSE

### RS26427C1

Under current criminal code, if a court suspects that a person is incapable of standing trial because of a developmental disability, the judge may have the person evaluated by either a single licensed psychologist, a psychiatrist, or by an evaluation committee. An evaluation committee consists of a physician, a psychologist, and a social worker who have been specially trained and qualified to evaluate the competency of an individual with developmental disabilities to stand trial. Proposed changes to the criminal code §18-211 will require courts to use an evaluation committee if a developmental disability is suspected to be the cause of the apparent incompetence to stand trial. Utilization of an evaluation committee will increase the accuracy of competency recommendations to the court, thereby limiting unnecessary incarceration and avoiding dangerous placements that create vulnerability to other clients. The proposed changes also make the code consistent with other statutes regarding developmental disabilities. The developmental disabilities statutes regarding guardianship (§66-404), civil commitment (§66-406), and competency to stand trial for minors (§20-519A) all allow only an evaluation committee to make recommendations regarding these actions to courts.

### FISCAL NOTE

A minor fiscal impact would be felt by Idaho courts and the Department of Health and Welfare. Court expenditures are estimated to increase \$13,000 statewide to pay physicians. The Department of Health and Welfare impact is estimated at \$3,900 for social workers with 50% General Fund and 50% federal match, for a total General Fund cost of \$1,950.

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**DISCLAIMER: This statement of purpose and fiscal note are a mere attachment to this bill and prepared by a proponent of the bill. It is neither intended as an expression of legislative intent nor intended for any use outside of the legislative process, including judicial review (Joint Rule 18).**