



Fiscal Note

H.B. 167

2020 General Session
Insanity Defense Amendments
by Moss, C.



General, Education, and Uniform School Funds

JR4-5-101

	Ongoing	One-time	Total
Net GF/EF/USF (rev.-exp.)	\$(2,826,700)	\$1,309,500	\$(1,517,200)

State Government

UCA 36-12-13(2)(b)

Revenues	FY 2020	FY 2021	FY 2022
Dedicated Credits Revenue	\$0	\$173,400	\$173,400
Total Revenues	\$0	\$173,400	\$173,400

Enactment of this legislation could result in an increase in dedicated credits to the Office of the Attorney General in the amount of \$173,400 ongoing, beginning in FY 2021.

Expenditures	FY 2020	FY 2021	FY 2022
General Fund	\$0	\$2,826,700	\$2,826,700
General Fund, One-time	\$0	\$(1,309,500)	\$0
Dedicated Credits Revenue	\$0	\$173,400	\$173,400
Total Expenditures	\$0	\$1,690,600	\$3,000,100

Enactment of this legislation could cost the Department of Human Services \$40,800 ongoing from the General Fund, beginning in FY 2021, for evaluation and overhead costs for approximately 20 new cases using the insanity defense; evaluations cost \$2,000 per case, plus 2 percent overhead cost. Enactment of this legislation could further cost the Department of Human Services \$1,309,500 from the General Fund in FY 2021 and \$2,619,000 from the General Fund in FY 2022 for operational and personnel costs associated with the commitment of approximately five new patients each year found not guilty by reason of insanity (NGRI). Enactment of this legislation could also cost the Department of Human Services \$173,400 ongoing from the General Fund, beginning in FY 2021, for legal representation from the Attorney General. Enactment of this legislation could also cost the Attorney General's Office \$173,400 ongoing from dedicated credits, beginning in FY 2021, for costs related to representation of the Department of Human Services, and an additional \$173,400 from the General Fund for advising on challenges to charges carrying the possibility of the death penalty, and advising on a likely increase in the number of cases in which the insanity defense is claimed. Additionally, enactment of this legislation could cost Courts \$2,600 ongoing from the General Fund, beginning in FY 2021, for costs related to new hearings, additional review hearings, and the sending of required notices; these costs would be absorbed. Enactment of this legislation could also reduce General Fund costs for Corrections by \$182,500 annually, due to fewer individuals being incarcerated. This fiscal note is based on the assumption that there would be approximately five new successful NGRI defenses annually, and thus five new individuals being committed in the Utah State Hospital (approximately \$700 per person per day) instead of the state prison (approximately \$100 per person per day). Additionally, each evaluation for an NGRI claim costs the Department of Human Services

\$2,000. Thus, each additional successful NGRI defense would result in a net cost to the state of approximately \$221,000 annually from the General Fund.

	<i>FY 2020</i>	<i>FY 2021</i>	<i>FY 2022</i>
Net All Funds	<u>\$0</u>	<u>\$(1,517,200)</u>	<u>\$(2,826,700)</u>

Local Government

UCA 36-12-13(2)(c)

Enactment of this legislation could cost county governments approximately \$300,000 annually for the litigation of new cases in which the insanity defense is claimed.

Individuals & Businesses

UCA 36-12-13(2)(d)

Enactment of this legislation likely will not result in direct expenditures from tax or fee changes for Utah residents and businesses.

Regulatory Impact

UCA 36-12-13(2)(e)

Enactment of this legislation likely will not change the regulatory burden for Utah residents or businesses.

Performance Note

JR4-2-404

No performance note required for this bill

Notes on Notes

Fiscal notes estimate the direct costs or revenues of enacting a bill. The Legislature uses them to balance the budget. They do not measure a bill's benefits or non-fiscal impacts like opportunity costs, wait times, or inconvenience. A fiscal note is not an appropriation. The Legislature decides appropriations separately.