

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 206** HLS 24RS 145

Bill Text Version: **ORIGINAL**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

| | | |
|--------------------------------------------------------------------------|---------|---------------------------------|
| Date: April 4, 2024 | 9:24 AM | Author: VILLIO |
| Dept./Agy.: Corrections/District Attorneys | | Analyst: Daniel Druilhet |
| Subject: Commitment of Persons - Not Guilty by Reason of Insanity | | |

CRIMINAL/MENTAL CAPACITY OR SEE FISC NOTE GF EX Page 1 of 1
Provides relative to the commitment of certain persons who are found not guilty by reason of insanity

Current law provides that provides for procedures relative to the release or discharge of a person found not guilty by reason of insanity and committed to a mental institution; provides that at a contradictory hearing to determine whether the committed person no longer has a mental illness and can be discharged or released on probation without danger to himself or others, the burden shall be on the state to seek continuance of a confinement by clear and convincing evidence that the committed person currently has a mental illness and is dangerous. Proposed law provides an exception to current law, particularly that a state may seek continued commitment of someone acquitted by reason of insanity (even if he does not have a mental illness) for any crime or an attempt to commit a crime punishable by death or life imprisonment, a crime of violence or sex offense, or a crime of violence punishable by maximum imprisonment of 20 years or more, and if the state proves by clear and convincing evidence that the party acquitted is dangerous to others or himself; provides that in satisfying its burden of proof, the state may not solely rely on the nature of the crime for which the person acquitted was found not guilty or upon the diagnosis of any personality disorder; provides that upon satisfaction of criteria for commitment, the court shall order the party acquitted to be held in continued commitment for no longer than one year and that this time period may be extended in one year increments upon motion of the district attorney and proof that the party acquitted satisfies criteria for commitment; provides that it shall not be construed as abrogating or negating any other provision of current law or any provision of law relative to the commitment or conditional release of those acquitted by reason of insanity.

| EXPENDITURES | 2024-25 | 2025-26 | 2026-27 | 2027-28 | 2028-29 | 5 -YEAR TOTAL |
|----------------|-----------|-----------|-----------|-----------|-----------|---------------|
| State Gen. Fd. | SEE BELOW | SEE BELOW | SEE BELOW | SEE BELOW | SEE BELOW | |
| Agy. Self-Gen. | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Ded./Other | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Federal Funds | SEE BELOW | SEE BELOW | SEE BELOW | SEE BELOW | SEE BELOW | |
| Local Funds | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |

Annual Total

| REVENUES | 2024-25 | 2025-26 | 2026-27 | 2027-28 | 2028-29 | 5 -YEAR TOTAL |
|----------------|-----------|-----------|-----------|-----------|-----------|---------------|
| State Gen. Fd. | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Agy. Self-Gen. | SEE BELOW | SEE BELOW | SEE BELOW | SEE BELOW | SEE BELOW | |
| Ded./Other | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Federal Funds | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Local Funds | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |

Annual Total

EXPENDITURE EXPLANATION

Proposed law may result in an indeterminable increase in SGF and Medicaid expenditures in the Louisiana Department of Health - Office of Behavioral Health, to the extent that those acquitted of certain crimes by reason of insanity and committed to a mental institution are held in continued commitment for an extended period of time in one year increments upon motion of a district attorney. Proposed law has the effect of potentially lengthening the period of time for commitment to a mental institution for those found not guilty by reason of insanity who satisfy the criteria for commitment, upon proof by clear and convincing evidence that a party acquitted by reason of insanity is dangerous to others or himself. The exact fiscal impact to expenditures is indeterminable, as it is unknown the number of times that hearings on these motions will result in a determination that those committed will satisfy the criteria for continued commitment.

For informational purposes, the Louisiana Department of Health-Office of Behavioral Health will incur expenditures within a range of \$400 to \$830 per day per person committed (or \$146,000 to \$302,950 annually) who satisfies criteria and is subject to continued commitment in one-year increments, depending on the unit in which he resides at the Eastern Louisiana Mental Health System. Expenditures will begin to exceed \$100,000 with the continued commitment of one person acquitted by reason of insanity whose commitment is extended in one-year increments. The specific rate is determined by acuity, level of placement, and phase of treatment.

REVENUE EXPLANATION

Proposed law may result in a minimal, indeterminable decrease in self-generated revenue to DPS&C – Probation and Parole to the extent any offender remains in commitment to a mental institution for a longer period of time and is not released and subsequently placed upon probation. The current daily parole supervision rate for adult offenders is \$5.43 per day, which would result in an annual loss of \$1,981.95 (\$5.43 x 365) per offender in parole supervision SGR. The exact fiscal impact to Probation and Parole is indeterminable, as those within the population of offenders who may be subject to continued commitment with enactment of the proposed law may not have the ability to remit payment for daily supervision fees, causing any impact to self-generated revenue to be minimal.

Senate

Dual Referral Rules

House

13.5.1 >= \$100,000 Annual Fiscal Cost {S & H}

6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}

13.5.2 >= \$500,000 Annual Tax or Fee Change {S & H}

6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}

Patrice Thomas
Deputy Fiscal Officer