

Fiscal Note

State of Alaska
2023 Legislative Session

Bill Version:	CSSB 53(FIN)
Fiscal Note Number:	7
(S) Publish Date:	5/8/2023

Identifier: SB053CS(FIN)-FCS-IMH-API-05-05-2023
Title: COMPETENCY; INVOLUNTARY CIVIL
COMMITMENTS
Sponsor: CLAMAN
Requester: Senate Finance Committee

Department: Department of Family and Community Services
Appropriation: Inpatient Mental Health
Allocation: Alaska Psychiatric Institute
OMB Component Number: 3311

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below.

(Thousands of Dollars)

	FY2024 Appropriation Requested	Included in Governor's FY2024 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	FY 2024	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimated SUPPLEMENTAL (FY2023) cost: 0.0 (separate supplemental appropriation required)

Estimated CAPITAL (FY2024) cost: 0.0 (separate capital appropriation required)

Does the bill create or modify a new fund or account? No
(Supplemental/Capital/New Fund - discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended or repealed? NA

Why this fiscal note differs from previous version/comments:

The Senate Finance Committee version of SB53 removed the potential for an additional year of forensic restoration. The removal of this language eliminates the fiscal impact of the legislation on the Department of Family and Community Services. The analysis section has been amended to reflect this change and other changes in the committee substitute.

Prepared By: Matt Davidson, Special Assistant to the Commissioner
Division: Office of the Commissioner
Approved By: Marian Sweet, Assistant Commissioner
Agency: Department of Family and Community Services

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FISCAL NOTE ANALYSIS

STATE OF ALASKA
2023 LEGISLATIVE SESSION

Analysis

SB53 allows the court to authorize criminal competency evaluations to take place at an outpatient clinic facility other than the Department of Family and Community Services (DFCS), Alaska Psychiatric Institute (API). DFCS-API has taken steps in recent years to ensure court ordered competency evaluations are conducted in a timely fashion by hiring both in-house and contracted evaluators. Alaska currently has capacity to provide forensic restoration for only 10 defendants at a time.

The department is working on multiple initiatives to increase the number of justice involved individuals served, including creation of outpatient and jail based restoration programs. Once implemented, the most acutely ill and clinically complex patients will be served at API, while other defendants could then be more rapidly served in the outpatient and jail-based programs. The FY24 Governor's Budget includes 5 positions and \$800.0 to staff and implement these programs (\$675.0 personnel, \$125.0 services).

SB53 requires the Department of Law to file a petition seeking involuntary commitment orders for certain defendants who remain incompetent to stand trial after all criminal competency restoration orders have expired. The Department of Family and Community Services will be able to complete these evaluations using existing resources.

SB53 extends the length of time between judicial reviews that the court may order patients who have been previously found incompetent to stand trial to be held under the Title 47 civil commitment process. Current statute limits these involuntary commitment orders for up to six months, SB53 would allow the court to extend commitment orders up to two years. Because API is budgeted for full capacity of 70 civil patients, this change will not impact the API budget.

House Bill 172 (Ch 41, SLA 2022) seeks to expand capacity for psychiatric evaluation, stabilization, and treatment of civil patients by allowing a new category of facility to seek designation from the department to provide involuntary commitment services, similar to current Designated Evaluation and Stabilization (DES) and Designated Evaluation and Treatment (DET) centers. The department is actively working to expand these services beyond the current 4 facilities offering DES/DET services (Bartlett Regional Hospital, Fairbanks Memorial Hospital, Mat-Su Regional Hospital, and Ketchikan Medical Center). Expansion of community-based services will help reduce the pressure on civil commitment beds at API.

The FY2024 Governor's budget includes a total of \$904.0 (\$150.0 I/A Receipts (Other) and \$754.0 GF/MH (UGF) as part of the second year of HB172 implementation. No additional resources are necessary to support these programs are anticipated because of this legislation.

SB53 requires the Department of Family and Community Services to provide an annual report with information on the number of patients committed under this section. This reporting requirement will not have a fiscal impact on the department.

The bill also requires that the court provide the prosecuting authority 10-day notice before the department may release a person from a 180 day civil commitment if they have had a history of felony offense against a person and was previously found incompetent to stand trial. This notice will not have a fiscal impact on the department.