Fiscal Note

State of Alaska
2022 Legislative Session

Bill Version:	CSSB 124(JUD)
Fiscal Note Number:	9
(S) Publish Date:	5/11/2022

Identifier: SB124CS(HSS)-JUD-ACS-05-02-22
Title: MENTAL HEALTH FACILITIES & MEDS
Sponsor: RLS BY REQUEST OF THE GOVERNOR
Requester: Senate Health and Social Services

Department: Judiciary
Appropriation: Alaska Court System
Allocation: Trial Courts
OMB Component Number: 768

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2023 Appropriation Requested	Included in Governor's FY2023 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	**FY 2023**	**FY 2023**	**FY 2024**	**FY 2025**	**FY 2026**	**FY 2027**	**FY 2028**
Personal Services	165.5		165.5	165.5	165.5	165.5	165.5
Travel							
Services	4.0		4.0	4.0	4.0	4.0	4.0
Commodities	3.0		3.0	3.0	3.0	3.0	3.0
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	**172.5**	**0.0**	**172.5**	**172.5**	**172.5**	**172.5**	**172.5**
Fund Source (Operating Only)							
1037 GF/MH (UGF)	172.5		172.5	172.5	172.5	172.5	172.5
Total	**172.5**	**0.0**	**172.5**	**172.5**	**172.5**	**172.5**	**172.5**
Positions							
Full-time	2.0		2.0	2.0	2.0	2.0	2.0
Part-time							
Temporary							
Change in Revenues							
None							
Total	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Estimated SUPPLEMENTAL (FY2022) cost: 0.0 *(separate supplemental appropriation required)*

Estimated CAPITAL (FY2023) cost: 0.0 *(separate capital appropriation required)*

Does the bill create or modify a new fund or account? 0

(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? NA

If yes, by what date are the regulations to be adopted, amended or repealed? NA

Why this fiscal note differs from previous version/comments:

Updated to change fund source to GF/MH at request of Legislative Finance.

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Division: Alaska Court System — Date: 05/02/2022 10:00 AM
Approved By: Nancy Meade for Stacey Marz, Administrative Director — Date: 05/02/22
Agency: Alaska Court System

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2022 LEGISLATIVE SESSION

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Analysis

The Health and Social Services Committee substitute for Senate Bill 124 establishes an alternative placement option for individuals experiencing mental health crises. When a peace officer or medical professional determines that a person who could otherwise be arrested (sec. 1) or who is experiencing a mental health crisis requiring intervention, but that it is not necessary to initiate an involuntary mental health commitment process, the person can instead be admitted to a subacute mental health facility to be held and stabilized.

A person who is admitted to one of the crisis stabilization centers involuntarily will be examined and, if a mental health professional seeks to have the person detained longer, will be the subject of an ex parte application to the court (sec. 13; AS 47.30.707(b)) to have them detained for up to seven days in a crisis residential center. Then, if the court grants the ex parte application, the court must set a hearing within 72 hours of the first admission to a facility, and the court must notify a list of interested persons of the hearing. (Sec. 13; AS 47.30.708(d)). Senate Bill 124 will require the court system to respond quickly to these emergency detentions, and to do so in many cases on an ex parte basis.

In addition, CSSB 124 requires the court system to provide notice to a list of interested persons when an initial hearing is set in an involuntary mental commitment proceeding. (Sec. 16; AS 47.30.715)

To implement the legislation, the court system will need to prepare appropriate forms for parties and judges to use, establish procedures and workflow processes, draft clerical instructions, make changes to CourtView data entry fields, and provide training to judicial officers and clerks. The court system anticipates that it can accomplish these implementation tasks with minimal fiscal impact.

The court system is unable to determine the number of individuals who may be subject to these proceedings, and how many additional or different court hearings may be required. Therefore, the overall fiscal impact of these operational changes is not able to be determined.

The new requirements for the court to notify the respondent's guardian (this is, if the respondent was previously found to be in need of protection and the court therefore appointed a guardian for the person) when a crisis center admission is sought, as well as when an involuntary mental commitment has begun, is a task that will require additional clerical staff to accomplish. This is largely because the majority of mental commitment proceedings, and most likely a majority of the crisis center admissions created by HB 172, are filed with the court system during non-traditional work hours. The Anchorage court is staffed by a magistrate to handle these filings on nights and weekends; that magistrate is quite busy also handling after-hours domestic violence protective order filings, emergency child in need of aid filings, other emergency protective proceeding filings, bail hearings, arrest and search warrant applications, etc. The additional new task of researching the respondents' status as a protected person, and notifying the guardian of the next hearing, cannot reasonably be performed by that magistrate in light of his or her other obligations, and so will need to be handled by a clerk. The court anticipates that the existing probate staff during the daytime can assist with the notification tasks for some of these proceedings, but having existing staff do so for all the after-hours proceedings is not feasible.

This fiscal note will therefore cover two Range 12 clerks to share the hours on weekends and nights so that the added tasks called for by CSSB 124 can be adequately accomplished.