

Fiscal Note

BILL # SB 1030

TITLE: guilty except insane; court jurisdiction

SPONSOR: Barto

STATUS: Senate Engrossed

PREPARED BY: Morgan Dorcheus

Description

The bill would transfer the powers and duties of the Psychiatric Security Review Board (Board) to the Superior Court (Court) beginning July 1, 2023 and set hearing procedures for persons found guilty except insane.

Estimated Impact

We estimate the bill would reduce Department of Health Services (DHS) General Fund costs by \$(62,300). We estimate the costs to individual counties for absorbing the supervisory jurisdiction would be minimal. The Administrative Office of the Courts reports that any General Fund costs for establishing new court rules to implement the bill's provisions would also be minimal.

Analysis

The Board oversees the treatment and release of persons an Arizona court has found guilty except insane (GEI) if the crime was such to cause or threaten death or serious physical injury. GEI persons under the jurisdiction of the Board are committed to the Arizona State Hospital (ASH) for treatment. The Board's responsibilities also include conducting hearings for GEI persons to determine appropriate actions for ongoing treatment, transfer to the Department of Corrections, conditional release, and continued monitoring after release into the community. In 2019, the Board had jurisdiction over 114 people and conducted 102 statutory hearings. Statute does not specify a source of administrative support for the Board, which has been provided by the Department of Health Services (DHS) since the board's inception in 1994.

In FY 2020, DHS reported its annual costs of administering the Board were \$62,300 from the ASH General Fund appropriation, which includes the cost of a part-time Executive Director, board member compensation, and other administrative costs. Beginning July 1, 2023, the bill would transfer the powers and duties of the Board to the Superior Court in each county, place all GEI persons under their supervisory jurisdiction, and set procedures for GEI hearings.

The Administrative Office of the Courts reports that the cost of maintaining supervisory jurisdiction over GEI persons would be paid by the county holding jurisdiction over the defendant's original case. We estimate the costs to individual counties would be minimal. The office also reports that any costs to the state General Fund for establishing new court rules to implement statutory GEI hearings would be minimal.

Local Government Impact

See above.

3/22/21

JLBC