

# Vermont Legislative Joint Fiscal Office

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## *FISCAL NOTE*

Date: May 14, 2021

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### **S.3 An act relating to competency to stand trial and insanity as a defense**

*As amended by the House*

<https://legislature.vermont.gov/bill/status/2022/S.3>

Sec. 2(b) of the bill amends 13 V.S.A. § 4820 entitling a person to have counsel appointed from Vermont Legal Aid (VLA) to represent them when the person is found to be incompetent to stand trial pursuant to the statute, has not been indicted by reason of insanity for the alleged offense, or has been acquitted by reason of insanity at the time of the alleged offense. It is estimated VLA would need between \$245,000.00 and \$265,000.00 in funding for additional staff and resources to represent these clients. Additionally, according to the Department of Mental Health (DMH), between \$120,000.00 and \$150,000.00 would be needed for independent psychiatric examinations and between \$95,000.00 and \$155,000.00 for providing legal representation to the department in commitment proceedings. Estimated impacts to the Department of Disabilities, Aging, and Independent Living (DAIL) are anticipated to be nominal and would not require any additional appropriation.

	Low	High
Vermont Legal Aid	\$245,000.00	\$265,000.00
Independent Evaluations	\$120,000.00	\$150,000.00
DMH - Legal Representation	\$95,000.00	\$155,000.00
<b>Total Est. Range</b>	<b>\$460,000.00</b>	<b>\$570,000.00</b>

*Fiscal Impact:* There was no appropriation for this section in the Senate passed version of the bill. The House amendment adds the following appropriations to DMH:

- \$250,000.00 to contract with Vermont Legal Aid for the purpose of providing legal representation in commitment proceedings
- \$250,000.00 to provide legal representation and independent psychiatric evaluations in connection with commitment proceedings

Sec. 6 of the House amendment requires the Department of Mental Health to convene a forensic care working group of interested stakeholders to provide recommendations necessary to carry out the provisions laid out in subsections (b) and (c) of this section. It also entitles work group members who are neither State employees nor otherwise paid to participate in their professional capacity to per diem compensation and reimbursement of expenses for attending meetings as permitted under 32 V.S.A. § 1010. It is estimated that approximately three to six members would be eligible to receive this per diem and reimbursement of expenses. Assuming there are between six and ten meetings of the working group, per diem and reimbursement of expenses would be less than

\$7,500.00. Subsection (h) also appropriates \$25,000.00 in FY 2022 to DMH from the General Fund to complete the work described in this section.

***Fiscal Impact:***

- *The House amendment appropriates \$25,000.00 in General Funds to DMH for FY 2022.*
- *The House amendment also adds \$5,000.00 for per diem compensation and reimbursement of expenses.*

Sec. 7 would add two additional members to the Joint Legislative Justice Oversight Committee. Any additional per diem compensation and reimbursement of expenses for these additional members can be absorbed within the legislative budget. As such, no additional appropriation would be required.

***Fiscal Summary: FY 2022 Appropriation of \$530,000.00 to the Department of Mental Health.***

Purpose	As passed the Senate	House Amendment
To contract with Vermont Legal Aid to provide legal representation in commitment proceedings	-----	\$250,000.00
For DMH legal representation and independent psychiatric evaluations in connection with commitment proceedings	-----	\$250,000.00
To support the work of the Forensic Care Working Group	Language added in House	\$25,000.00
For per diem compensation and reimbursement of expenses for the Forensic Care Working Group	Language added in House	\$5,000.00
<b>TOTAL APPROPRIATION</b>		<b>\$530,000.00</b>