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**SF 2296** – Competency to Stand Trial, State Cost (LSB 6071SV)  
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Fiscal Note Version – New

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**Description**

**Senate File 2296** requires the costs of treatment under Iowa Code section **812.6** to be paid by the Department of Corrections (DOC) and the Department of Human Services (DHS).

**Background**

- Currently, when the court finds a defendant cannot appreciate the charge, understand the proceedings, or assist in the defense, the trial is suspended while the defendant is placed in the DOC (Oakdale forensic facility) or the DHS (usually the Cherokee Mental Health Institute). The two departments pay for the cost of treatment and housing the defendant.
- The counties are billed by the DHS for services provided by both departments. Any payments the counties make are deposited into the State General Fund and recorded as a miscellaneous receipt.
- Some counties pay these bills; some do not. Some counties dispute the bills; some do not. Payment varies across the state and by defendant.
- The miscellaneous receipts recorded for the Oakdale forensic facility were approximately \$200,000 in FY 2013.

**Assumptions**

- The DHS bills approximately \$200,000 annually to the counties.
- The DOC bills 75.0% of its costs to the counties.
- The collection rate is assumed to be 50.0%.

**Fiscal Impact**

The fiscal impact is estimated to be \$300,000 annually in reduced miscellaneous receipts to the General Fund. Of this amount, \$200,000 is associated with the DOC and \$100,000 is associated with the DHS.

**Sources**

Department of Human Services  
Department of Corrections  
Department of Management

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/s/ Holly M. Lyons

February 26, 2014

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The fiscal note for this bill was prepared pursuant to **Joint Rule 17** and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

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