



OHIO LEGISLATIVE SERVICE COMMISSION

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Fiscal Note & Local Impact Statement

Bill: H.B. 778 of the 132nd G.A.

Status: As Introduced

Sponsor: Rep. Gavarone

Local Impact Statement Procedure Required: No

Subject: Competency evaluations

State & Local Fiscal Highlights

- Inpatient competency evaluations will no longer be conducted at facilities operated by the Ohio Department of Mental Health and Addiction Services (OhioMHAS) or the Ohio Department of Developmental Disabilities (ODODD) for defendants charged with nonviolent misdemeanors. Approximately 15 defendants with nonviolent misdemeanor charges received inpatient competency evaluations at these facilities during calendar year 2018.¹
- Courts could be impacted assuming that a defendant is sent for an evaluation at a private center instead of an OhioMHAS or ODODD center. The impact would depend on whether the private facility's costs are higher or lower than the facilities prohibited under the bill.

Detailed Fiscal Analysis

The bill prohibits a court from ordering a criminal defendant to undergo inpatient competency evaluations at a center, program, or facility operated or certified by the Ohio Department of Mental Health and Addiction Services (OhioMHAS) or the Ohio Department of Developmental Disabilities (ODODD) unless the defendant has been charged with a felony or an offense of violence.

Fiscal impact

If a court, prosecutor, or defense attorney raises the question regarding a defendant's competency to stand trial, the court may request that a competency evaluation be conducted by a community forensic psychiatry center. Ohio has ten community forensic psychiatry centers, which provide forensic evaluation services for Ohio's court system. Most evaluations conducted by these centers are completed in the community or in the jail. When an inpatient evaluation is ordered, an individual is sent to one of OhioMHAS' six state psychiatric hospitals. If a defendant appears to have an intellectual disability, then an evaluation may be conducted to determine this. ODODD

¹ As of December 13, 2018.

typically conducts such competency evaluations in the community or in the facility in which the individual is being held. If an inpatient competency evaluation were conducted, it would be conducted at one of ODODD's eight developmental centers.

OhioMHAS estimates that year-to-date in calendar year 2018,² 15 individuals have been charged with a nonviolent misdemeanor and have been ordered to receive an inpatient evaluation at a state OhioMHAS hospital. In FY 2017, the average daily cost per resident was \$581.42.³ If all 15 of these individuals stayed the full 20 days, the inpatient evaluation cost would be approximately \$174,000 (15 x \$581.42). While the cost of inpatient hospital stays is covered under GRF line item 334412, Hospital Services, it appears that courts may reimburse for at least some of these costs. Continuing law states that the cost of evaluations are to be borne by the legislative authority of the court – the municipality or county, depending on the court – and are taxed as court costs in the case; therefore, except for cases of indigence, the costs for evaluations are recovered by the court as costs charged to the offender. The courts will be impacted by the bill depending on what would occur with defendants affected by the bill. If a defendant could be sent to a private facility for an evaluation, the impact would depend on whether the costs at the private facility are higher or lower than at facilities prohibited under the bill. The magnitude of the impact on the courts, if any, is uncertain.

ODODD indicated that they rarely conduct inpatient competency evaluations for individuals charged with a nonviolent misdemeanor. Due to the rarity of evaluations in these circumstances, the bill should have a minimal to negligible fiscal impact to ODODD and the courts.

² This figure was provided by OhioMHAS on December 13, 2018.

³ OhioMHAS's FY 2018 Annual Report – <https://spark.adobe.com/page/zkP6u3LYjyZKj/>.