

**NON-EXECUTIVE AGENCY  
FISCAL NOTE**

AGENCY'S ESTIMATES

Date Prepared: April 5, 2017

Agency Submitting: Second Judicial District Court

Items of Revenue or Expense, or Both	Fiscal Year 2016-17	Fiscal Year 2017-18	Fiscal Year 2018-19	Effect on Future Biennia
Total	0	0	0	0

Explanation

(Use Additional Sheets of Attachments, if required)

The changes in AB 440 regarding assisted outpatient treatment will result in increased costs. While the amount cannot be determined with certainty, the below explanation indicates how the new process would affect the Second Judicial District Court. There were 3000 new criminal cases in 2016.

1. Cost associated with every district court criminal defendant being considered for AOT. Motions must be heard by the Judge within 5 judicial days of filing, just like petitions. Depending on the number of new motions, a new judicial officer may be needed along with staff to support the judicial officer. Even if a new judicial officer is not needed, additional staff would be needed to support the significant increase in filing to handle court, prepare and process orders, and review for firearm reporting.

2. Cost associated with ensuring every patient under a petition who is also a criminal defendant (not just in district court) must be reviewed by Division's Evaluation Team (DET). Staff must review every patient under a petition for possible criminal charges (in any court) to ensure the proper evaluators see the patient. If they are criminal defendants, the DET must see them.

3. In order to effectuate the required evaluations for criminal defendant, patients not detained at a mental health facility or hospital under an emergency admission (which likely be the overwhelming majority of these patients), the court may have to order a peace officer to take the patient into custody to be detained at a mental health facility until the hearing. Costs for staff to review requests for pick-up orders, prepare and file such orders.

4. Cost associated with giving notice of the motion and hearing to the defendant's attorney, guardian, DA, and any agency receiving federal money to protect and advocate for persons with mental illness, and the administrative office where the defendant is detained. Staff must prepare actual hearing notices and review.

Name Jacqueline Bryant

Title Administrator/Clerk of Court