



February 4, 2026

The Honorable Kellie Warren, Chairperson
Senate Committee on Judiciary
300 SW 10th Avenue, Room 346-S
Topeka, Kansas 66612

Dear Senator Warren:

SUBJECT: Fiscal Note for SB 374 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 374 is respectfully submitted to your committee.

SB 374 would remove certain existing procedures in statute allowing a defendant charged with a misdemeanor or felony offense to be ordered into outpatient evaluation and treatment conducted by an appropriate state, county, or private institution or facility. The bill would require the court to order a prosecuting attorney for pending criminal proceedings to commence involuntary commitment proceedings within 21 days if the defendant has not attained competency to stand trial within six months after the date of the commencement of treatment. The bill would add the criminal offenses of attempt, conspiracy, or solicitation of certain offenses to the list of criminal offenses for consideration of involuntary commitment criteria. The bill would remove certain requirements regarding commencing involuntary commitment proceedings for defendants who have been found to have a substantial probability of attaining competency but have not within six months of the date of the original commitment.

Whenever certain involuntary commitment proceedings have commenced, the bill would require the petition to contain certain information, including the court order to commence involuntary commitment proceedings and the initial evaluation. The bill would also require the written report of the evaluation to contain certain information, including a report on the reason for admission or case filing, the current mental status of the defendant, and any diagnoses. The bill would specify that having been found incompetent in the pending criminal case, the defendant

would be deemed to lack the capacity to make informed decisions concerning treatment until the chief medical officer overseeing treatment has determined that competency is restored.

The bill specifies that the prosecuting attorney for the pending criminal proceeding in which involuntary commitment proceedings have commenced would have standing, concurrent with the prosecuting attorney of the county in which the hearing is held, to appear at such proceedings, call or inquire of any witness with relevant information, and offer argument to the court. The bill would require the court to conduct a hearing to determine whether a defendant is likely to cause harm to themselves or others during the course of an involuntary commitment proceeding. The bill outlines certain considerations the court would be required to make when involuntary commitment proceedings have commenced, and the defendant has not been committed or has been released from commitment under certain circumstances. The bill would also establish legal procedures for commitment proceedings that would be specific to certain crimes and would require certain factors to be considered at commitment hearings, including factors relating to when cases would be dismissed without prejudice. The bill would take effect upon its publication in the *Kansas Register*.

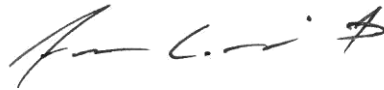
The Office of Judicial Administration indicates enactment of the bill would increase expenditures of the Judicial Branch because it would require the courts to hold additional hearings to consider factors and make determinations in the cases outlined in the bill. In addition, the district court clerks would be required to issue notices of such hearings. This would increase the time spent by district court judicial and nonjudicial personnel in processing, researching, and hearing cases. However, a precise fiscal effect cannot be estimated.

The Department for Aging and Disability Services indicates that a fiscal effect cannot be estimated because there is insufficient information available to determine the effect. The Department notes that the bill would affect the availability of inpatient competency beds because it would require defendants charged with a felony to receive inpatient restoration treatment services unless the state security hospital screening allows the defendant to receive outpatient services. This would add defendants to the wait list for inpatient treatment at Larned State Hospital and could increase the wait time for other defendants by removing the possibility of outpatient treatment if it is available through Community Mental Health Centers. The Department also notes that the bill would delay moving defendants out of inpatient beds at Larned State Hospital due to additional requirements for the commitment hearing in which the prosecuting attorney in the criminal case is given concurrent standing to argue and present witnesses in the proceeding. The bill could also decrease the availability of inpatient care and treatment beds by requiring all defendants with serious felony charges to be committed to care instead of a treatment team to make decisions about competency.

The Department for Aging and Disability Services further notes that the bill could add clarity for when the criminal court should dismiss criminal charges with prejudice, but state psychiatrists and psychologists would be required to attend contested hearings to consider the additional factors. However, defendants would not be released if they are found not likely to cause harm to themselves or others because the bill would require such defendants with serious felonies to continue treatment. The Department also notes that the bill could affect the terms of certain

settlement agreements entered into by the state to move defendants through the competency process. However, a precise fiscal effect cannot be estimated. Any fiscal effect associated with SB 347 is not reflected in *The FY 2027 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam C. Proffitt", followed by a stylized flourish.

Adam C. Proffitt
Director of the Budget

cc: Trisha Morrow, Judiciary
Leigh Keck, Department for Aging & Disability Services