

Joint Committee on Ways and Means

Carrier – House: Rep. Nathanson
Carrier – Senate: Sen. Gordly

Revenue: No revenue impact

Fiscal: Fiscal statement issued

Action: Do Pass the A-Engrossed Measure

Vote: 19 – 0 – 2

House – Yeas: D. Edwards, Galizio, Garrard, Hanna, Jenson, Morgan, Nathanson, Nolan, Shields
– Nays:
– Exc:

Senate – Yeas: Bates, Carter, Devlin, Gordly, Johnson, Morse, Nelson, Schrader, Verger, Whitsett
– Nays:
– Exc: Westlund, Winters

Prepared By: John Britton, Legislative Fiscal Office

Meeting Date: 6/1/07

WHAT THE MEASURE DOES: This measure allows children with developmental disabilities who are charged with a serious crime to assert a defense of guilty except for reason of insanity because of mental defect. A successful affirmative defense would enable a juvenile court judge to order a child into the physical custody of a designated DHS facility for appropriate treatment and to place the child under the jurisdiction of the Psychiatric Security Review Board.

ISSUES DISCUSSED:

- Jurisdiction of the Psychiatric Security Review Board (PSRB) under the measure
- Primary mission of the PSRB to protect public safety
- The treatment and budgetary implications of placing a child in a locked facility vs. an unlocked facility
- A budget note (included in the DHS budget report) that would require the Department and the PSRB to report on how the changes in SB 328-A are being implemented during the 2007-09 biennium.

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: Senate Bill 232, passed by the 2005 Legislative Assembly, required the Department of Human Services to study how to allow a child with a developmental disability, charged with a serious crime, to assert a defense of guilty except for reason of insanity because of mental defect.