

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 6066**

**BILL NUMBER: SB 262**

**NOTE PREPARED: Feb 18, 2011**

**BILL AMENDED: Feb 17, 2011**

**SUBJECT:** Insanity Defense.

**FIRST AUTHOR:** Sen. Steele

**FIRST SPONSOR:**

**BILL STATUS:** CR Adopted - 1<sup>st</sup> House

**FUNDS AFFECTED:**     **GENERAL**  
                              **DEDICATED**  
                              **FEDERAL**

**IMPACT:** Local

**Summary of Legislation:** (Amended) This bill removes the requirement that at least one of the persons appointed by a court to examine a defendant who raises an insanity defense or incompetency claim must be a psychiatrist, and no longer permits a physician to be appointed to determine a defendant's sanity. It requires that a psychologist appointed to examine a defendant have expertise in criminal behavioral disorders.

**Effective Date:** July 1, 2011.

**Explanation of State Expenditures:**

**Explanation of State Revenues:**

**Explanation of Local Expenditures:** (Revised) This bill applies to two types of cases:

- when defendants wish to plead not guilty due to insanity and
- when defendants are being examined to determine whether they are competent to stand trial.

Courts report that they are experiencing trouble securing psychiatrists to evaluate criminal defendants who wish to plead insanity. As a result, criminal trials are delayed as courts must wait to be able to schedule a psychiatrist to examine the defendant. Consequently, criminal defendants are often detained in local jails until a psychiatrist is available. Depending on how often criminal defendants wish to plead not guilty for reason of insanity, this bill could reduce the waiting time to secure a psychiatrist or psychologist to evaluate a defendant. More timely evaluations and trials could help to reduce the jail population awaiting trial.

Generally, forensic psychologists are paid between \$200 and \$300 per hour, while psychiatrists charge

between \$250 and \$400 per hour. There are 13 board-certified forensic psychiatrists and at least 13 psychologists who are endorsed by the Indiana State Board of Examiners in Psychology as Health Service Providers and who practice in Indiana. Hourly fees for psychologists run between \$200 and \$300 while psychiatrists charge hourly fees of between \$250 and \$400. Psychologists may bill more hours to do an evaluation due to use of psychological testing.

**Explanation of Local Revenues:**

**State Agencies Affected:**

**Local Agencies Affected:** Trial courts.

**Information Sources:** Thomas Felts, Allen Circuit Court; Steven Ross, PsyD, HSPP.; George Parker, MD

**Fiscal Analyst:** Mark Goodpaster, 317-232-9853.