

Strengthening mental health care, improving public safety

Under state law, individuals accused of a crime may not be prosecuted if a judge finds that they are unable to understand the proceedings against them or assist in their own defense due to mental illness or cognitive impairment. In many cases, a defendant can be restored to competency with proper mental health treatment. However, before the 2022 legislative session, state law did not require any state or local authority to provide competency restoration services, nor did it require defendants to participate in competency restoration. As a result, defendants would not get the mental health treatment they needed, low-level charges against them would be dismissed, and some would go on to commit numerous other crimes.

The 2022 Legislature passed a law that establishes a host of competency restoration services to strengthen mental health care and improve public safety. The law is based on the recommendations of the Community Competency Restoration Task Force, whose members included prosecutors, public defenders, law enforcement, mental health professionals, advocacy organizations, and experts from the Department of Human Services.

2022 legislation

Court authority to require competency restoration. The new law gives courts the authority to order defendants into competency restoration programs based on their treatment needs and the need for public safety. Programs will include locked and jail-based settings as well as inpatient, residential and home-based settings.

State Board of Competency Restoration. This new board will certify competency restoration programs and provide competency education to defendants statewide. *FY2024-25: \$22.2 million*

Resources for competency restoration. Overseen by the State Board of Competency Restoration, forensic navigators will coordinate the right placements for defendants and report back to the court. Directives on treatment timelines and the supervision of defendants will be clearer, increasing public safety. New resources will cover the cost of competency-related examinations for defendants. *FY2024-25: \$10 million*

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