



March 2, 2017

Senator Ebke
District #32 State Capitol
P.O. Box 94604
Lincoln, NE 68509-4604

RE: LB 259

Senator Ebke and Members of the Judiciary Committee:

LB 259 provides for competency evaluations in county court cases by the county attorney or city attorney. The Department of Health and Human Services, Division of Behavioral Health provides outpatient competency evaluations and inpatient competency restoration.

This legislation could significantly impact the number of referrals for competency evaluations by extending competency orders to county courts. According to the Nebraska Judicial Branch Annual Caseload Report for County Courts for the Fiscal Year 2016 the following type and number of criminal cases filed in county courts was as follows:

- 135,833 misdemeanor/ordinary traffic cases,
- 81,355 misdemeanor/non-traffic cases, and
- 15,796 felonies.

The Lincoln Regional Center maintains a wait list for existing competency evaluations that could not be completed on an outpatient basis as well as inpatient competency restorations. Without a commensurate ability to allow for outpatient competency restoration, the capacity of the system to handle the potential demand for additional evaluations and restoration cannot be met.

The numbers for evaluations and restoration are trending upward in Nebraska as well as nationally necessitating a strong collaborative approach in response. The Division of Behavioral Health and the Administrative Office of the Courts have been meeting to analyze the data, identify trends and begin exploring options to address the current and future state of competency evaluation and restoration. Initial suggestions have been promising but require further work and broader input. The Division of Behavioral Health would welcome the opportunity to study the issue in greater detail with the Administrative Office of the Courts and a time limited work group with an eye to specific system recommendations that meet the needs of individuals, the court and the evaluation and treatment systems.

Thank you for the opportunity to share our concerns with LB 259 and we look forward to working with you in continuing our mission of helping people live better lives.

Sincerely,

A handwritten signature in black ink that reads "Sheri Dawson". The signature is fluid and cursive, with the first name "Sheri" being more prominent than the last name "Dawson".

Sheri Dawson, R.N., Director
Division of Behavioral Health
Nebraska Department of Health and Human Services

cc: Senator Matt Hansen