



## Legislative Budget Office

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**Date:** September 24, 2020

**To:** Representative Paul Marquart  
Representative Greg Davids  
Representative Lyndon Carlson, Sr.  
Representative Pat Garafalo  
Representative Steve Drazkowski  
Representative Sandra Masin  
Representative Joe McDonald

Senator Roger Chamberlain  
Senator Ann Rest  
Senator Julie Rosen  
Senator Richard J. Cohen  
Senator Dan Hall  
Senator Patricia Torres Ray

**From:** Michelle Weber, LBO Director

**Subject:** Local Impact Note Request: HF1864-0 (Munson) - Presentence investigation reports inclusion of brain injury information authorized.

Attached is the completed local impact note for HF-1864-0 (Munson) – Presentence investigation reports inclusion of brain injury information authorized, requested by Representative Steve Drazkowski, as the ranking member of the New House Republican Caucus. The Legislative Budget Office (LBO) is charged with coordinating the development of local impact notes under Minnesota Statute 3.987.

Local impact notes focus on the impact of proposed legislation on political subdivisions, understood to include local entities such as cities, townships, counties, school districts, and charter schools.

House File 1864-0 directs courts to determine whether a defendant suffered a stroke or traumatic brain injury that may have resulted in the defendant lacking substantial capacity for judgment and, if so, direct the defendant to undergo a neuropsychological assessment before sentencing. This bill language was incorporated into HF3156 at the end of session.

The LBO gathered data from local entities through a survey developed after meeting with the bill author to understand the bill's intent and scope. Assistance in disseminating the survey was provided by local associations.

Based on the survey results and information from the 2018 Minnesota Sentencing Guidelines Commission Report to the Legislature, the local impact for HF1864 is estimated to be approximately \$8,636,000 per year. There are many unknowns related to the number of defendants that could be ordered to undergo a neuropsychological examination. A more precise estimate could not be made at this time.

If you or your staff have any questions about the local impact note process, please contact LBO Coordinator Kathryn Ho at 651-297-7146.

cc: Legislative staff  
LBO staff

September 24, 2020

# Local Impact Note

## HF1864-0 (Munson)

Presentence investigation reports inclusion of brain injury information authorized.

<b>Local Fiscal Impact (Dollars in Thousands)</b>	<b>FY2020</b>	<b>FY2021</b>	<b>FY2022</b>	<b>FY2023</b>
Total estimated cost per calendar year	\$8,636	\$8,636	\$8,636	\$8,636

### Bill Description

House File 1864-0 directs courts to determine whether a defendant suffered a stroke or traumatic brain injury that may have resulted in the defendant lacking substantial capacity for judgment and, if so, direct the defendant to undergo a neuropsychological examination before sentencing. This bill language was incorporated into HF3156 at the end of the regular 2020 legislative session.

### Local Impact Methodology

We asked members of the Minnesota Association of Community Corrections Act Counties to provide estimates through a survey.

### Survey

The survey asked respondents to provide estimates on:

1. Based on the bill language, estimated annual (calendar year) number of neuropsychological examinations you anticipate needing to arrange in your county;
2. Estimated cost of one neuropsychological examination;
3. Number of additional administrative hours needed (to arrange for one examination and include examination results in Presentence Investigation); and
4. Average hourly rate for additional hours from question 3.

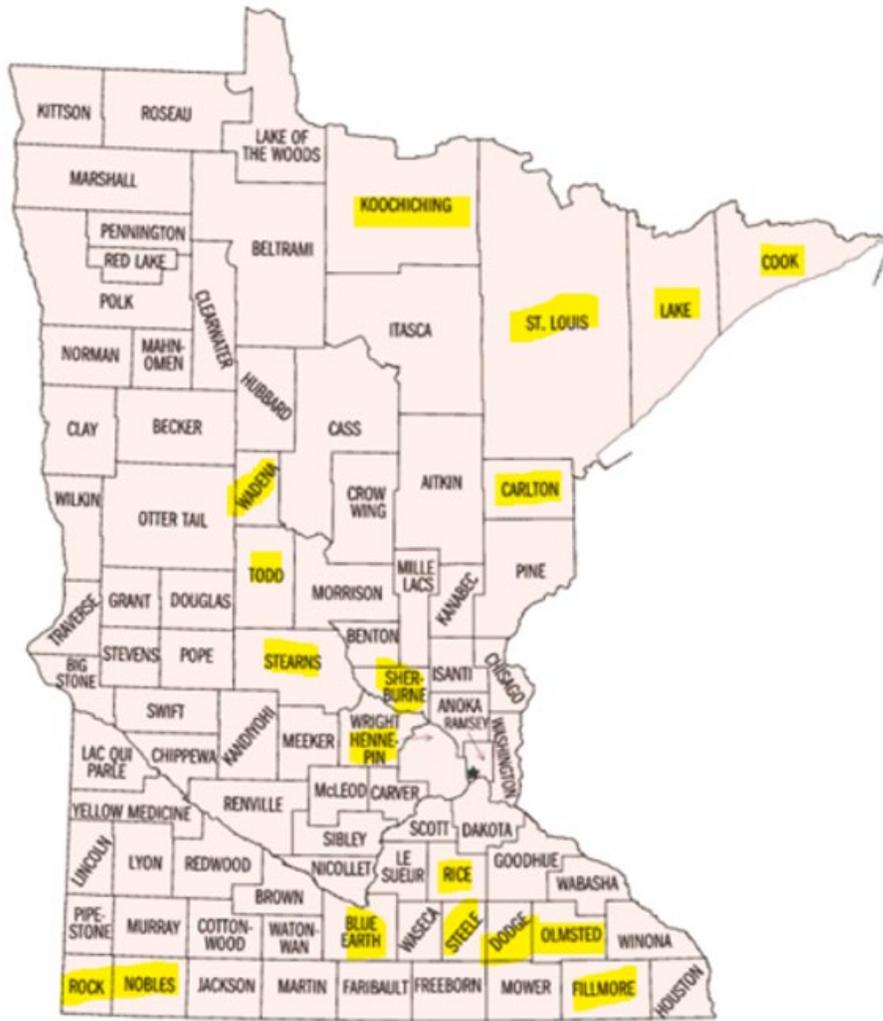
**Table 1: Respondents by Type**

<b>Respondent</b>	<b>Number of Survey Respondents</b>
<b>Total responses</b>	11*

\*Because some counties combine their control of correctional facilities through the Minnesota Association of Community Corrections Act Counties organization a total of 18 counties are represented by the responses. Two respondents declined to estimate the number of neuropsychological exams that would be ordered, citing not enough information on which to base their estimate.

The geographic location of respondents was disbursed throughout the state and included both metro and greater Minnesota local entities. See distribution of respondents below.

Figure 1: HF1864 LIN Responses Map



**Assumptions**

Costs considered in this estimate are limited to those related to the cost of the exam and the additional administrative time in preparing the exam results for the court. Any other costs that may be incurred such as traveling to and from the exam, and any additional time in custody due to the potential waiting time required to schedule an exam and receive the results, are not included in this local impact note estimate.

It is assumed health insurance would not necessarily be available to pay for the cost of the exam, so it is assumed for the purpose of this estimate that the local entities would be responsible for the cost of the exam.

**Estimate of Local Costs**

**Table 2 Summary of Cost Estimates for HF1864-0:**

<b>Estimate</b>	<b>Estimate Average</b>	<b>Range of Estimates</b>
Average rate of neuropsychological exams required in a county	14%	5% - 36%
Cost of one neuropsychological exam	\$2,056	\$750 - \$2,750
Number of additional administrative hours needed	3	2-4
Average hourly rate for additional administrative work	\$34	\$30-\$43
Total cost estimated per exam	\$2,158	

Total cost estimated per exam	\$2,158
Survey average number of neuropsychological exams per correctional organization	46
Number of correctional organizations in Minnesota	87
Total exams estimated local entity cost for state	\$8,636,316

**Other Considerations for Cost Estimates**

Estimating the number of neuropsychological exams that would be ordered in one year makes calculating the local impact difficult. The LBO was not able to identify a source for more accurate estimates of neuropsychological exams.

The number of exams that may be ordered is difficult to estimate for many reasons:

- The agencies responding to the fiscal note for HF1864 did not have information available to estimate the number of exams.
- If the defendant has a preexisting neuropsychological exam that meets certain criteria listed in the bill, it can be used instead of a new exam.
- The bill language provides the court the discretion to order a neuropsychological exam.

Survey respondents noted additional costs that they may incur related to transportation and wait times. Though the court maintains a list of certified examiners, many greater Minnesota local entities may require a lengthy trip for the exam. The estimate does not include transportation costs connected to the neuropsychological exam. Those costs could be significant if an examiner cannot be found close-by. One survey respondent indicated significant additional costs but did not specify the reason. Those costs are not included in the estimate. The estimate also does not include any additional cost related to postponed sentencing caused by appointment delays and waiting for the results of the exam.