

simply has been a burden, so much, in fact, that what is beginning to happen...I can say it on the floor, I think, and I don't know if anyone else would, at least in other counties, admit to it, but what is happening is counties are saying, we can't afford this, we cannot have this in our budget, there is no way we can get the money so we will drop the charges. So someone then who is convicted or charged with murder or rape and they are deemed by court, they have their evaluation, and is deemed to be mentally incompetent, sometimes more than we would like to admit the charges are dropped because then the state would pick up the whole cost because it's not a court procedure. This clarification is needed. It is something that is...there is no legislative history that shows that this was not intended and so we are clarifying that statute and, in my opinion, it would stand a constitutional test if such a test was challenged, which I would anticipate there would not be. That concludes my opening remarks, Mr. President.

SPEAKER BARRETT: Thank you. Discussion? Senator Warner. Senator Warner, discussion on the advancement of the bill.

SENATOR WARNER: I would like to have a little more explanation from Senator Bernard-Stevens, if he would, as to charges on very severe crimes that you...I would like to know some examples if there are very severe crimes that are not pursued. Is that what I hear you say, at the local level?

SENATOR BERNARD-STEVENS: What we basically have, Senator Warner, is situations in the county and I think it's simply a situation of reality where if we have a charge filed, a severe or serious charge filed...

SENATOR WARNER: And there...

SENATOR BERNARD-STEVENS: ...and the person then is...the defense says we have mental incompetency here and so the judge orders an evaluation and the evaluation comes back saying, yes, we are mentally incompetent. Now the county is at a severe disadvantage at that particular point, if it's the county attorney that would be pushing the case. The county, may at this point, have no funds available, simply no funds available to handle such a cost, but the gentleman will be committed. So now the county is at a point, do we push the charge, and if we find him guilty and he is then committed, we pay for it or we drop the charge, he is already declared mentally incompetent, he