

state who are mentally ill and who are unable to care for themselves. Beyond that, it is the state's and the Department of Public Institution, which has control over the state hospitals, and which is in a much better position to budget and provide for this care. It is appropriate that the financial obligation follow the legal obligation. County budgets are severely strained by existing lid limitation and current property tax levies. Property taxpayers have reached the breaking point. Counties recognize that the state has funding limitations of its own, but what simply can't be ignored is the appropriation of...the appropriateness of the state's role in financing these services. Let's take the case of Lancaster County, of which I would be most knowledgeable. Lancaster County continues to experience a dramatic rise in the billings from the Department of Public Institutions for patient costs. This increase is attributable to a rise in the number of evaluations to determine competency to stand trial in criminal cases. In the 1991 budget year, Lancaster County approximated average \$13,000 a month for these patients' costs. In the 1992 budget year, the cost increased to 19,500. In June, '93-94 budget year, the average rose close to \$30,000 a month, and in June of 1994, that particular month, the charge was nearly \$40,000. Part of the legal dispute between Lancaster County and DPI centers on the issue of whether a commitment to the state hospital following a determination of incompetency to stand trial should be treated as any other mental health commitment, or whether it should be considered as just another form of preadjudication incarceration. The counties believe that public policy considerations dictate that such commitments are, in fact, no different than any other civil commitment. After a person is committed to the state hospital, all criminal proceedings are placed on hold until such time as the mental disability is removed. Stated differently, the state's legal obligation to provide care and treatment for the mentally ill takes precedence over the interest of the criminal justice system. In fact, it is possible that the accused may remain incompetent to stand trial for the rest of their life. So long as that person is receiving treatment for mental illness, then the state should be responsible for paying the cost. If Lancaster County would have continued at the rate of \$40,000 a month for competency evaluations, then \$480,000 on a yearly basis worth of county services would have to be cut elsewhere in the budget. This last figure highlights the gravity of the situation just in Lancaster County. Because of the location of