

Judicial Council of California

455 Golden Gate Avenue · San Francisco, California 94102-3688

Telephone 415-865-4200 · Fax 415-865-4205

M E M O R A N D U M

Date

January 9, 2026

Action Requested

Approve Submission of Budget Change
Concept and Proposal

To

Collaborative Justice Courts Advisory
Committee

Deadline

January 14, 2026

From

Jenny Clarke
Supervising Analyst, Criminal Justice
Services

Contact

Jenny Clarke
415-865-7958 phone
Jenny.Clarke@jud.ca.gov

Subject

Budget Change Concept and Proposal for
Incompetent to Stand Trial Cases for Fiscal
Year 2027–28

Criminal Justice Services staff propose a Budget Change Proposal (BCP) from fiscal year (FY) 2027–28 through FY 2031-2032 to provide funding to trial courts for the increased number of Incompetent to Stand Trial (IST) evaluations and the associated rising costs of evaluations. Staff invite the Collaborative Justice Courts Advisory Committee to be the requesting entity and approve submission of the Budge Change Concept (BCC).

Changes to judicial branch budgets require the submission of a BCP to the California Department of Finance. Standard procedure requires a requesting entity to provide approval for submission of the request, typically an advisory body. The BCC is the first step in the process as an initial summary of the full proposal. Staff will draft and move the proposal through deadlines and provide updates to the committee as progress is made.

- **January 2026:** Staff submit the BCC to Judicial Branch Budget Committee (JBBC) for review.

- **February–April 2026:** Staff respond to comments or questions from the JBBC. The committee may be asked to provide input as the requesting entity.
- **May 2026:** Staff will be informed if the BCC is approved to be developed into an official BCPs.
- **May–June 2026:** Staff develop and submit final BCPs.
- **July 2026:** Final BCPs presented to the Judicial Council for approval.
- **September 2026:** BCPs approved by the Judicial Council are submitted to the Department of Finance.
- **July 2027:** Approved BCPs are included in the Governor’s Budget for FY 2027–28.

Request Description

The Judicial Council of California (JCC) requests 1.0 on-going position and \$10.2 million General Fund in 2027-28, increasing annually through 2031-32 up to \$17.2 million ongoing to support; 1) trial courts in addressing the increased number and rising costs of Penal Code (PC) section 1368 competency to stand trial evaluations required throughout the state; and 2) the development of resources to assist courts in identifying and maintaining qualified competency evaluators.

Increased Costs Related to Incompetent to Stand Trial Cases

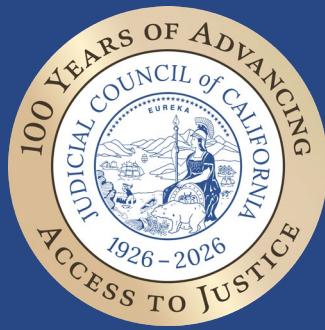
Since the mid 2010’s, the state has faced a drastic increase in declarations of doubt about defendants’ mental competencies, causing a noticeable increase in court ordered incompetent to stand trial (IST) evaluations and severely impacting court budgets. The trial courts are responsible for paying for court-appointed evaluators from their operating budget and struggle with identifying qualified evaluators, particularly who are psychiatrists.

Recent legislation requires more comprehensive evaluations that better support informed competency and commitment decisions and address elements tied to newly created treatment options. This increased complexity has raised the market value of qualified evaluators, and compensation expectations have risen accordingly, while current fee structures have not kept pace. Funding would be distributed to all trial courts to identify and retain qualified evaluators and to support the increase in doubt declarations.

The funding requested is intended only to address the disproportionate increase in costs of the evaluations and reflects only a portion of the costs associated with IST evaluations to ensure that courts can find appropriate evaluators and improve the quality of competency reports.

Action Requested

Criminal Justice Services staff request the Collaborative Justice Courts Advisory Committee to act as the requesting entity and approve submission of the BCC and BCP.



Budget Change Concept and Proposal for Incompetent to Stand Trial Cases for Fiscal Year 2027-28

Collaborative Justice Courts Advisory Committee

BCP and BCC

- Budget Change Proposal (BCP): a request to the California Department of Finance to change the budget for the judicial branch
- Budget Change Concept (BCC): a first draft of the budget request

Incompetent to Stand Trial (IST)

- Beginning fiscal year (FY) 2027-28
- Requesting funding for courts to address:
 - Increased number of IST Evaluations
 - Rising costs of IST Evaluations

CJCAC's Role

- Every BCC and BCP require a requesting entity, typically an advisory body
- Must be approved by an advisory body at an open meeting

Timeframes

January 2026	February-April 2026	May 2026	May-June 2026	July 2026	September 2026
<ul style="list-style-type: none">• Staff submit the BCC to Judicial Branch Budget Committee (JBBC) for review	<ul style="list-style-type: none">• Staff respond to comments or questions from JBBC	<ul style="list-style-type: none">• Staff are informed if the BCC is approved for development into an BCP	<ul style="list-style-type: none">• Staff develop and submit final BCPs	<ul style="list-style-type: none">• Final BCPs presented to the Judicial Council for approval	<ul style="list-style-type: none">• BCPs approved by the Judicial Council are submitted to Department of Finance

Request Description

- The Judicial Council of California (JCC) requests 1.0 on-going position and \$10.2 million General Fund in 2027-28, increasing annually through 2031-32 up to \$17.2 million ongoing to support;
 - 1) trial courts in addressing the increased number and rising costs of Penal Code (PC) section 1368 competency to stand trial evaluations required throughout the state; and
 - 2) the development of resources to assist courts in identifying and maintaining qualified competency evaluators.

Next Steps

- CJCAC act as the requesting entity and approve submission of the BCC and BCP
- Staff will update the committee on the status of the BCC/BCP as each milestone is reached
- Questions?