



Fiscal Note

Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

SB 26-014: MOD TO DEFENSE OF NOT GUILTY BY REASON OF INSANITY

Prime Sponsors:

Sen. Amabile; Michaelson Jenet
Rep. Rydin

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Published for: Senate Judiciary**Drafting number:** LLS 26-0122**Version:** Initial Fiscal Note**Date:** January 16, 2026

Fiscal note status: The fiscal note reflects the introduced bill, which was recommended by the Legislative Oversight Committee Concerning the Treatment of Persons with Behavioral Health Disorders in the Criminal and Juvenile Justice Systems.

Summary Information

Overview. The bill modifies various processes for not guilty by reason of insanity (NGRI) cases.

Types of impacts. The bill is projected to affect the following areas on an ongoing basis starting in FY 2026-27:

- Minimal State Workload
- Local Government

Appropriations. No appropriation is required.

Table 1
State Fiscal Impacts

Type of Impact	Budget Year FY 2026-27	Out Year FY 2027-28
State Revenue	\$0	\$0
State Expenditures	\$0	\$0
Transferred Funds	\$0	\$0
Change in TABOR Refunds	\$0	\$0
Change in State FTE	0.0 FTE	0.0 FTE

Summary of Legislation

The bill makes two process changes to cases involving a plea of not guilty by reason of insanity (NGRI), as discussed below.

Examinations Requested by a Defendant

Under current law, a defendant in an NGRI case has a right to select their own expert to conduct required examinations, and must provide these reports to the prosecution within a reasonable amount of time in advance of the trial. The bill requires that these reports also be provided to the court, which must in turn provide a copy to the state Department of Human Services (CDHS).

Release of Defendants

At any unconditional release hearing for an NGRI defendant who is on a conditional release, the bill establishes that the defendant has the burden of proving, by a preponderance of the evidence, that they meet the criteria for unconditional release. If the court finds the defendant eligible for unconditional release, the court must order the unconditional release. If the court finds the defendant ineligible for unconditional release, then the court must continue a conditional release and may impose or modify terms of this release in the best interest of the defendant and the community.

Under current law, a defendant in the custody of the CDHS may be temporarily removed from an institutional setting for treatment and rehabilitation. The bill clarifies that such temporary removal can include community placement. Other procedures for temporary removal under current law must be followed.

The bill also establishes new standards for determining eligibility for conditional and unconditional release for crimes committed after July 1, 2026.

Background

Between 2022 and 2024, there were 62 NGRI cases, according to the Judicial Department.

State Expenditures

The bill minimally increases workload in the Judicial Department and the CDHS, as discussed below.

Judicial Department

Requiring courts to receive examinations provided by a defendant and transmit them to the CDHS will increase trial court workload. However, given the small number of NGRI cases, the overall increase is minimal and no appropriation is required. Similarly, clarifying community placement as an option for temporary removal may increase trial court workload if these placements are challenged, but any workload impact is expected to be minimal.

Department of Human Services

Directing new reporting on NGRI cases to the CDHS and clarifying community placement as an option for temporary removal in NGRI cases will require the CDHS to update internal policies. This impact is absorbable and no change in appropriations is required. The fiscal note assumes that community placements will be made and managed within existing appropriations.

Local Government

The bill may increase workload for district attorney offices that are working on an NGRI case. However, given the small number of cases and limited scope of changes under the bill, any increase in workload is assumed to be minimal. District attorney offices are funded by counties.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

State and Local Government Contacts

Behavioral Health Administration	Human Services
Bridges of Colorado	Judicial
District Attorneys	Public Defender