

Department of Planning and Budget – REVISED 01/24/01

2001 Fiscal Impact Statement

1. Bill Number HB1918

House of Origin ☒ Introduced ☐ Substitute ☐ Engrossed
Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. Patron Van Yahres

3. Committee H. Courts of Justice

4. Title Compensation of court-appointed experts.

5. Summary/Purpose:

Creates a schedule of fees for court-appointed psychological experts in criminal matters.

6. Fiscal Impact Estimates are: Tentative, see #8 below.

6a. Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2000-01			
2001-02	\$684,000	0	GF
2002-03	\$684,000	0	GF

7. Budget amendment necessary: Yes, Item 31.

8. Fiscal implications:

Subsection B of § 19.2-169.5 specifies that evaluations should take place on an outpatient basis, at a mental health facility or in jail, unless the court determines that outpatient services are unavailable, or unless the results of the outpatient evaluation indicate that hospitalization is required for further evaluation. Many of these forensic evaluations currently take place within secure wards of facilities operated by the Department of Mental Health, Mental Retardation and Substance Abuse Services (DMHMRSAS). By raising the evaluation fee, this bill could encourage more experts (psychiatrists, clinical psychologists, qualified forensic evaluators) to conduct assessments in outpatient settings or within local jails, as opposed to being transported to mental health facilities. However, diversion of all or part of this population requiring evaluations will not result in savings at DMHMRSAS, since a secure unit also serves acute admissions, those judged not guilty by reason of insanity, and other patients. These are “sunk costs.” In other words, there is not a per-diem cost associated with each patient. In fact, the fiscal impact of the bill could be even higher than stated herein since the Criminal Fund would be responsible for the evaluation fees of patients traditionally served at state mental health facilities.

Currently, compensation for experts is determined in each instance by the court, in accordance with established guidelines. The proposed legislation removes this language, and establishes a fee schedule. For the most part, the proposed fee schedule doubles the amounts currently allowed for experts who perform forensic psychological services to courts. Also, compensation for housing and food is provided, and to score psychological tests and obtain treatment and educational records. In addition, reimbursement for each day to serve as a witness is increased from \$100 to \$200. According to the

Office of the Executive Secretary of the Supreme Court, this proposed legislation could require about \$684,000 each year to be paid from the Criminal Fund. However, given the additional compensation proposed, the fiscal impact of the bill could actually be greater than the estimate.

The estimate includes \$662,000 each year, based on the criminal fund expenditure history for the last two fiscal years, for payments for evaluations for competency to stand trial, mental status at the time of offense, and other items. The fiscal impact estimate does include capital murder cases, which had expenditures of about \$71,000 per year. However, the costs for these cases are expected to increase proportionally. In addition, this legislation increases the current fee for evaluations for mental examination-sexual abnormality. Based on the criminal fund expenditure history for this item for the last two fiscal years, it is estimated that this legislation could require an additional \$22,000 each year for evaluations for this item.

If necessary, then law enforcement officers are responsible for transporting a patient to a hospital. It is unclear whether the number of patients that will be transported to a hospital because of this bill will increase, decrease, or remain the same. However, the cost to transport the patient would, most likely, not exceed \$800.

9. Specific agency or political subdivisions affected: The Court system.

10. Technical amendment necessary: No.

11. Other comments: See SB 850.

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cc: Secretary of Administration

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