

Department of Planning and Budget

2002 Fiscal Impact Statement

1. **Bill Number:** SB482

House of Origin	<input checked="" type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
Second House	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

2. **Patron:** Howell

3. **Committee:** Courts of Justice

4. **Title:** Persons acquitted of misdemeanors by reason of insanity.

5. **Summary/Purpose:** This bill provides that a person found not guilty of a misdemeanor by reason of insanity shall remain in the custody of the Commissioner of the Department of Mental Health and Mental Retardation and Substance Abuse Services (DMHMRSAS) for a period not to exceed one year from the date of acquittal. It also provides that prior to or at the conclusion of one year, if the Commissioner determines that the acquitted meets the criteria for emergency custody, temporary detention, or involuntary commitment, he shall file a petition to accomplish this.

6. **No Fiscal Impact.**

7. **Budget amendment necessary:** No.

8. **Fiscal implications:** There are currently 38 misdemeanorant Not Guilty by Reason of Insanity (NGRI) patients in DMHMRSAS facilities, with varied criminal histories. Many in this group were acquitted of minor crimes, such as petit larceny or trespassing. A few had been convicted of felonies prior to the commission of their NGRI offense. This bill seeks to provide a more expeditious path to discharge misdemeanorant NGRI as well as to advance the general goal of providing mental health treatment services in the least restrictive setting.

It is anticipated that several of those 38 misdemeanorant NGRI patients currently in DMHMRSAS facilities could be transferred to a civil commitment status and receive services in a civil unit. Many of these patients have received services in secure/forensic units during hospitalization in the DMHMRSAS facilities. Primarily because of increased security requirements, these units have higher costs than civil units. Although some patients who may be eligible for transfer would move to less costly units, it is anticipated there would be little cost savings. Since a high number of the misdemeanorant NGRI are patients at facilities staffed according to settlement agreements with the U.S. Department of Justice, there are not expected to be changes in staffing requirements resulting from a change in the commitment status of this limited patient population. In addition, bed space freed up by this change in status would be rapidly filled, due to continuing demand for mental health treatment services available in a facility setting.

9. **Specific agency or political subdivisions affected:** Department of Mental Health, Mental Retardation and Substance Abuse Services.

10. **Technical amendment necessary:** No.

11. Othercomments: None.

Date: 1/23/02/jlv

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