

**Department of Planning and Budget  
2003 Fiscal Impact Statement**

**1. Bill Number:** HB2514

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

**2. Patron:** McDonnell

**3. Committee:** Courts of Justice

**4. Title:** Disposition of the unrestorably incompetent defendant.

**5. Summary/Purpose:** This bill provides that an unrestorably incompetent defendant charged with capital murder may be ordered to continue to receive treatment and competency evaluations indefinitely during his commitment. Currently, such person would have to be released after five years.

**6. No Fiscal Impact.**

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

**8. Fiscal implications:** The bill does not appear to have any fiscal impact on the Department of Mental Health, Mental Retardation and Substance Abuse Services (DMHMR SAS). It is too early to determine the number of persons that would be affected by this bill. Currently, it applies to five individuals in the system and means that instead of a length of stay from 2 to 5 years, the length of stay could be renewable on an indeterminate basis by the courts if continued hospitalization is deemed medically appropriate. In addition, individuals would be transferred from a civil unit to a forensic unit, resulting in higher treatment costs. However, current operating bed limits for both civil and forensic units are sufficient to handle the individuals covered by this bill. One negative impact is that since length of stay would increase, the turnover in beds will be less, and length of time on waiting list for individuals needing services could increase.

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

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

**11. Other comments:** None.

**Date:** 2/18/03/jlv

**Document:** G:\02-04\2003\Efis03\Hb2514s1.Doc Janet Vogelgesang

cc: Secretary of Health and Human Resources