

Department of Planning and Budget 2006 Fiscal Impact Statement

1. Bill Number: SB317

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

2. Patron: Howell

3. Committee: Courts of Justice

4. Title: Sexually violent predators; adds to list of offenses that qualify as sexual offenses

5. Summary/Purpose: This bill adds to the list of offenses that qualify as sexually violent offenses; it provides a mechanism for the sexually violent predator (SVP) civil commitment of incompetent defendants; and, it stipulates the use of the Static-99 risk assessment instrument as the screening threshold to identify prisoners who will be forwarded to the Commitment Review Committee (CRC) for assessment. In addition, this affords the CRC and the Office of the Attorney General (OAG) access to Children's Protective Services records.

6. Fiscal Impact Estimates are: Tentative

7. Budget amendment necessary: Yes

8. Fiscal implications: In-patient civil commitments are projected to increase because of the language in this bill. Current capacity of DMHMRSAS's Virginia Center for Behavioral Rehabilitation (VCBR) facility for SVP civil commitments is 48. A new 100-bed facility is planned and funded for completion in October 2007.

However, VCBR would likely exceed its 48-bed capacity by June 2007 if this bill is enacted. Projection models for referrals (based on a Virginia Crime Commission Summer, 2006 study) for civil commitment are problematic and actual numbers of referrals may fall at either end of a minimum of 6 and maximum of 9 range. With this bill, projection models for CRC referrals for in-patient civil commitments result in census levels from 50 to 86 in FY07. By the end of FY08, census projections range from 122 to 194. By the end of FY09, census projections range from 194 to 302. Projected staffing for the new 100-bed facility is 239 positions, costing \$11.8 million. Projected staffing for 150 beds is 290 positions, at \$14.0 million; for 200 beds, 350 positions staffing at \$16.8 million. An additional 150 beds (as a 50-bed wing available in September 2008 and another 100-bed wing available in January 2009) could be added to the planned 100-bed facility. Construction cost to add an additional 50-bed wing is \$7.3 million; the additional 100-bed wing is \$14.2 million. No alternative housing is available when the census exceeds the 48-bed capacity while the new facility is under construction.

There is no data available to estimate the number of females and incompetent defendants who could be referred to DMHMRSAS for civil commitment or conditional release as stipulated

by this bill. However, if civilly committed, separate units would be needed for these two populations resulting in significant costs. Costs for construction and staffing are not included in the projections noted above so total costs are likely understated.

With this bill, the number of those persons referred for conditional release would increase from the current total of 4 for the past 30 months to 20 per year. This bill authorizes DMHMRSAS to contract with the Department of Corrections (DOC) for monitoring and supervision of those on conditional release. Per person contract cost is estimated at \$13,300, which includes the use of a Global Positioning System (GPS) for each person. FY07 contract costs are \$146,300; FY 08 costs are \$412,300. These projections do not include females and incompetent defendants eligible for conditional release as stipulated by this bill so these figures could be understated.

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

10. Technical amendment necessary:

11. Other comments: This bill is companion legislation to HB1038.

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cc: Secretary of Health and Human Resources