

Department of Planning and Budget

2007 Fiscal Impact Statement

1. Bill Number HB2671

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

2. Patron Griffith

3. Committee Courts of Justice

4. Title Sexually violent predators; civil commitment.

5. Summary/Purpose: The substitute bill adds the following as sexually violent offenses: capital murder in the commission of, or subsequent to a rape or attempted rape, sodomy or forcible sodomy or object sexual penetration, capital murder in the commission of an abduction committed with intent to defile the victim, and first and second degree murder when the killing was in the commission of, or attempt to commit rape, forcible sodomy, or object sexual penetration. It reduces from five to four the number of members the seven member Commitment Review Committee (CRC) needs for a quorum. It allows the CRC 120 instead of 90 days after receiving the name of an individual eligible to be evaluated for civil commitment to complete its assessment and submit its recommendation to the Attorney General. The bill grants access to a variety of records to the Department of Mental Health, Mental Retardation and Substance Abuse Services, the CRC, and the Department of Corrections and provides that the existence of prior convictions or charges may be shown with affidavits or documentary evidence.

6. Fiscal Impact Estimates are: Tentative

7. Budget amendment necessary: See Fiscal implications.

8. Fiscal implications: The substitute, while eliminating the change in the Static 99 score from the introduced bill, maintains the addition of sexually violent offenses that will impact the census of the Virginia Behavioral Rehabilitation Center (VCBR). The impact of this bill on the Department of Mental Health, Mental Retardation and Substance Abuse Services is based on the number of additional civil commitments to VCBR resulting from the additional sexual offenses that would require a convicted predator to be referred to the Commitment Review Committee. While the original bill would have increased census by 295 individuals at the end of FY 2010, the elimination of the change in the Static 99 score has only a minimal effect on the fiscal impact, with an increase of approximately 280. It is anticipated this bill will not change the numbers eligible for conditional release.

Preliminary projections indicate that there will be 34 additional cases per year sent for review by the Commitment Review Committee. Based on current commitment rates of cases sent to the CRC, an additional 14 per year could be civilly committed at VCBR. If implemented as of July 1, 2007, the civil commitment census at VCBR will increase from the current forecast of 113 at the end of FY 2008 to 127. For FY 2009, the census is projected to increase to 195 and to 264 at

the end of FY 2010. For the FY 2006 – 2008 biennium, the increased census can be accommodated within the existing appropriations for the existing Dinwiddie VCBR location and the 100 new beds to come on line in January 2008. By January 2009, construction will be complete on an additional 200 beds in Nottoway, bringing to 300 the number of new beds at that location. There will be sufficient new bed space to accommodate the FY 2009 census of 195 and the FY 2010 projected census of 264. By the middle of FY 2011, it is anticipated that additional bed space will be needed.

The construction cost of the 300 bed facility in Nottoway is expected to surpass \$60 million. At a minimum, an additional wing of 100 beds will cost between \$14 and \$15 million. It may be necessary to construct a new facility at a new site to accommodate any increase in census.

Operationally, the facility must staff resident units for possible commitments in advance of the actual time of commitment. As a result, the substitute bill will have a comparable fiscal impact to the original.

	Additional Operating Cost	Additional Construction Cost
FY 2007	\$0	\$0
FY 2008	\$337,038	\$0
FY 2009	\$959,262	\$0
FY 2010	\$1,401,048	\$14,200,000
FY 2011	\$1,952,280	\$0
FY 2012	\$2,503,512	\$0
Total 6-year	\$7,153,140	\$14,200,000

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

10. Technical amendment necessary: None

11. Other Comments: Individuals convicted of murder prior to 1995, when Virginia abolished parole, are still eligible for parole and would be included in the provisions of the bill if or when released.

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cc: Secretary of Health and Human Resources