

Department of Planning and Budget 2007 Fiscal Impact Statement

1. Bill Number HB2672

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 Griffith

3. Committee Courts of Justice

4. Title Sexually violent predators; civil commitment.

5. Summary/Purpose: This bill provides that any prisoner convicted of a sexually violent offense will be referred to the Commitment Review Committee to be evaluated for civil commitment if he scores a minimum of four on the Static-99. Under current law, prisoners convicted of certain offenses (statutory rape, sodomy or object sexual penetration with child under age 13, and aggravated sexual battery with child under age 13 who suffered physical injury) are referred with a score of four, and the remainder are referred with a five. The bill also provides that certain provisions regarding the identification, review, and preparation for filing a petition for commitment are procedural and not substantive or jurisdictional and that absent gross negligence or willful misconduct, failure to comply is not a basis upon which a court can deny civil commitment or conditional release.

6. Fiscal Impact Estimates are: Tentative

7. Budget amendment necessary: Yes

8. Fiscal implications: 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 its Virginia Center for Behavioral Rehabilitation resulting from a change in the score threshold on the Static-99 or comparable risk assessment. It is anticipated this bill will not change the numbers eligible for conditional release.

Preliminary projections indicate that there will be 48 to 60 additional cases per year sent for review by the Commitment Review Committee. Based on current commitment rates, of these, an additional 25 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 FY08 to 136. For FY2009, the census is projected to increase to 215 and to 295 at the end of FY2010. Because of staffing patterns and staggered admittance, for the 2006-08 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 FY2009 census of 215 and the FY2010 projected census of 295. After FY2010, VCBR –

Dinwiddie bed space will be needed once again, or construction of additional new beds will be needed.

Construction costs for each 100 beds added to the facility is approximately \$14.2 million, and operating costs for the additional beds increase by around \$4 million. The table below assumes 25 additional individuals committed beginning in FY 2009.

	Additional Operating Cost	Additional Construction Cost
FY 2007	\$0	\$0
FY 2008	\$0	\$0
FY 2009	\$973,957	\$0
FY 2010	\$1,947,914	\$14,200,000
FY 2011	\$2,921,871	\$0
FY 2012	\$3,895,828	\$0

9. Specific agency or political subdivisions affected: DMHMRSAS

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Document: G:\FY2007\2007 Legislation\SVP Bills\HB2672.Doc Emily Ehrlichmann

cc: Secretary of Health and Human Resources