

Department of Planning and Budget 2008 Fiscal Impact Statement

1. Bill Number: HB559

House of Origin Introduced Substitute Engrossed
Second House In Committee Substitute Enrolled

2. Patron: Bell

3. Committee: Passed Both Houses

4. Title: **Emergency custody orders, temporary detention orders, and involuntary commitment; criteria.**

5. Summary: Changes the criteria for emergency custody orders, temporary detention orders, involuntary commitment, and outpatient treatment, including how that criteria is applied to prisoners and juveniles, so that a person may be taken into custody, temporarily detained, involuntarily committed, or ordered to outpatient treatment if the person has a mental illness and there exists a substantial likelihood that, as a result of mental illness, the person will, in the near future (i) cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information, if any.

6. Fiscal Impact Estimates: Tentative

7. Budget Amendment Necessary: No

8. Fiscal Implications: This enrolled bill replaces the ‘imminent danger’ prong of the current civil commitment standard. This would have the effect of widening (or lowering) the standard, which will cause more people to meet the standard. The Department of Mental Health, Mental Retardation and Substance Abuse Services was unable to estimate the number of new civil commitments that would result from this provision, however it is likely that the broadened criteria will increase the number of civil commitments, currently estimated at around 10,000 per year.

Initial review of the change to the standard included in this bill indicated the proposed language would increase the number of admissions for criminal defendants court-ordered to DMHMRSAS facilities for emergency treatment by 10%, or about 35 individuals. This would be an increase for both those in jail and would newly apply to those offenders (bonded defendants) not in a jail setting at the time the order is written. The cost associated with the initial projection was \$647,744. Although this is a valid projection of the potential increase with known data, actual experience is needed to define the impact of this language change. However, although the substitute bill language does not change the impact of the criteria, the fiscal impact is revised to indicate that without actual experience, the amount of funds needed to implement this language is indeterminate. It is anticipated that funds included in the Governor’s budget for jail diversion services (\$3.0 million per year for 2008-2010 Biennium) will be used for the anticipated increase in admissions.

9. Specific Agency or Political Subdivisions Affected: Community Services Boards,
DMHMRSAS

10. Technical Amendment Necessary: No

Date: 3/11/2008 dpb

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cc: Secretary of Health and Human Resources