

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: Courts of Justice

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

5. Summary: ECO, TDO, involuntary commitment; criteria. Changes the criteria for emergency custody orders, temporary detention orders, and involuntary commitment, including how that criteria is applied to prisoners, so that a person may be taken into custody, temporarily detained, or involuntarily committed if the person is mentally ill and there exists a substantial likelihood that the person will, in the near future, cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening such harm or will suffer serious harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs.

6. Fiscal Impact Estimates: Tentative

7. Budget Amendment Necessary: Item 315

8. Fiscal Implications: This bill replaces both the ‘imminent danger’ prong and the ‘inability to care for self’ 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. Without accompanying language related to strengthening mandatory outpatient treatment the effect could be exacerbated as individuals will be committed to costly institutions.

However, applying these changes in the standard to those criminal defendants court-ordered to DMHMRSAS facilities for emergency treatment would increase the number of admissions by 20% or 71 admissions. It is estimated this would cost an additional \$1,325,184. The Governor’s introduced budget included \$3.0 million for each year of the 2008-10 biennium to support the continuation and expansion of the goals of a pilot program for jail diversion services funded in the 2006-08 biennial budget. However, utilizing these funds for in-patient services would severely limit other jail diversion services.

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

10. Technical Amendment Necessary: No

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cc: Secretary of Health and Human Resources