

## **Department of Planning and Budget 2008 Fiscal Impact Statement (Revised)**

**1. Bill Number:** SB129

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

**2. Patron:**        Cuccinelli

**3. Committee:**    Courts of Justice

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

**5. Summary:** Changes the criteria for emergency custody orders, temporary detention orders, and involuntary commitment so that a person may be taken into emergency custody, placed under temporary detention, or involuntarily committed where it is found that (i) the person has a mental illness and (ii) there exists a substantial likelihood that, as a result of that mental illness, the person will, in the near future, (a) cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm or (b) suffer serious harm due to substantial deterioration of his capacity to protect himself from harm or to provide for his basic human needs. The bill also changes the criteria for the involuntary commitment of criminal defendants prior to trial, after conviction but before sentencing, and after sentencing to conform with clause (i) and (ii) (a) discussed above.

**6. Fiscal Impact Estimates:** Tentative

**7. Budget Amendment Necessary:** No

**8. Fiscal Implications:** This change may be perceived as broadening the existing criteria which might increase demand for local or state hospital inpatient beds. However, until the changes are put into practice, it is not clear what the impact will be. Other states' experiences have been variable. Most inpatient commitments last a maximum of 30 days, with the cost of a bed day at \$700 per day. Outpatient treatment is significantly less expensive, averaging less than \$800 per 90 day treatment for a base level of services (including case management). A client requiring more intensive outpatient services could cost as much as \$16,000 per 180 day treatment period. Therefore, if an additional 1,000 individuals are committed, the cost of this bill could range from \$800,000 for basic level services, \$16.0 million for intensive outpatient care, or \$21.0 million for inpatient care. Currently, approximately fifty percent of hearings result in civil commitment, five percent in involuntary outpatient, and the remainder are released, though may opt for voluntary inpatient commitment.

The addition of new crisis stabilization beds, and emergency psychiatric services proposed in the Governor's FY 2008 – 2010 biennial budget, will ameliorate any possible increase in demand.

**9. Specific Agency or Political Subdivisions Affected:** Department of Mental Health, Mental Retardation and Substance Abuse Services; Community Services Boards

**10. Technical Amendment Necessary:** No

**11. Other Comments:** This bill is a companion to SB144.

**Date:** 1/24/2008 dpb

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cc: Secretary of Health and Human Resources