

Department of Planning and Budget 2008 Fiscal Impact Statement

1. **Bill Number:** SB275

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

2. **Patron:** Cuccinelli

3. **Committee:** Courts of Justice

4. **Title:** Mentally ill defendants; treatment

5. **Summary:** Mentally ill defendants; treatment. Adds a provision that a defendant in a criminal matter may be hospitalized if so seriously mentally ill as to be unable to care for himself. Under current law the standard is "imminently dangerous to himself or others." The provision applies to pretrial, after conviction but before sentencing and after sentencing. The bill specifies that the evaluation must be done in person by an employee of the community services board or its designee who is skilled in the assessment and treatment of mental illness and has completed a certification program approved by the Department of Mental Health, Mental Retardation and Substance Abuse Services.

6. **Fiscal Impact Estimates:** Preliminary

6a. Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2008	0	N/a	N/a
2009	\$1,325,184	N/a	GF
2010	\$1,325,184	N/a	GF
2011	\$1,325,184	N/a	GF
2012	\$1,325,184	N/a	GF
2013	\$1,325,184	N/a	GF
2014	\$1,325,184	N/a	GF

7. **Budget Amendment Necessary:** Item 315

8. **Fiscal Implications:** It is projected that this proposed legislation would increase the number of admissions for criminal defendants court-ordered to DMHMRSAS facilities for emergency treatment by 20%. 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. Data for FY2001 through FY 2007 from the Department's Forensic Information Management System (FIMS) showed a yearly average of 353 emergency treatment – jail transfer admissions each year with an average length of stay of 32 days. Of these 353, 36% (126) were admitted to the maximum security forensic program at Central State Hospital and 64% (227) were admitted to civil programs at those state hospitals that admit jail transfers. Based on this data and polling of forensic coordinators and clinicians, the increase in jail transfer admission rate would result in from 35 to 71

additional admissions. Using per diem rates of \$717 for the maximum-security unit (CSH) and a civil unit per diem of \$506, projected cost of these additional admissions is shown below

Maximum Security Unit	20%
Projected increased admissions – 36% of total	$71 \times 36\% = 26$ admissions
Projected increased bed days	$26 \times 32 = 832$
Projected increased cost of bed days	$832 \times \$717 = \$596,544$
Civil Units	
Projected increased admissions – 64% of total	$71 \times 64\% = 45$ admissions
Projected increased bed days	$45 \times 32 = 1,440$
Projected increased cost of bed days	$1,440 \times \$506 = \$728,640$
Estimated total cost increase per annum	\$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.

Proposed bill language also requires face-to-face evaluations by a CSB employee or designee. These are typically performed as an emergency service. The Governor's introduced budget added \$3.0 million for the 2008-10 biennium for a phased-in increase for emergency services which should provide sufficient resources to perform these evaluations.

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

Date: 2/4/2008 dpb

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cc: Secretary of Health and Human Resources