

## **Department of Planning and Budget 2010 Fiscal Impact Statement**

**1. Bill Number:** HB311ER

House of Origin	<input type="checkbox"/>	Introduced	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Engrossed
Second House	<input type="checkbox"/>	In Committee	<input type="checkbox"/>	Substitute	<input checked="" type="checkbox"/>	Enrolled

**2. Patron:** O'Bannon

**3. Committee:** Passed Both Houses

**4. Title:** **Hospitalization of inmates in local correctional facilities.**

**5. Summary:** Provides for the hospitalization of inmates in local correctional facilities that require psychiatric treatment. The legislation also establishes the situations in which the court with jurisdiction over the inmate's case must hold hearings to determine whether the inmate requires psychiatric treatment outside of the local correctional facility in which he/she is assigned. Prior to making a determination, the court must consult with the local community services board or behavioral health authority who is skilled in the assessment and treatment of mental illness. The legislation allows for the use of two-way electronic video and audio or telephonic communication systems in conducting hearing activities, wherever practicable. The legislation also establishes when a magistrate can issue a temporary detention order for the inmate. Upon the issuance of a temporary detention order, a hearing must be held in the appropriate court within 48 hours. The legislation does not provide for an inmate to make a voluntary application for admission.

**6. Fiscal Impact Estimates:** Final (see Item 8)

**7. Budget Amendment Necessary:** No

**8. Fiscal Implications:** In FY 2009, Department of Behavioral Health and Developmental Services (DBHDS) facilities admitted 897 jail inmates. Due to the behavioral unpredictability of inmates with mental health issues, it is not possible to determine how many inmates this legislation could potentially impact. Assuming the rate of FY 2009 admittances is the norm, this legislation should have no appreciable fiscal impact to DBHDS or the court system.

According to the Compensation Board, speaking on behalf of local jails, this bill is not anticipated to have a fiscal impact on local jail budgets.

**9. Specific Agency or Political Subdivisions Affected:** Courts, DBHDS, and local jails

**10. Technical Amendment Necessary:** No

**11. Other Comments:** Same as SB87ER

**Date:** 4/9/2010 dpb

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