

Department of Planning and Budget

2014 Fiscal Impact Statement

1. Bill Number: HB478

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

2. Patron: Villanueva

3. Committee: Appropriations

4. Title: Emergency custody orders; duration; extension.

5. Summary: Provides for a second two-hour extension of the time during which a person may be held pursuant to an emergency custody order.

6. Budget Amendment Necessary: See fiscal implications below.

7. Fiscal Impact Estimates: Preliminary.

8. Fiscal Implications: This bill allows for a second extension of the emergency custody order for a period of two hours. The existing Code specifies that after the initial four hour hold period, a two hour extension may be granted in a case where a facility is being located, or where a medical evaluation must be completed. This bill would bring the maximum period of time a person may be held under an emergency custody order to eight hours.

The fiscal impact of this bill is based on very limited data, using one month's worth of Emergency Custody Order (ECO) and Temporary Detention Order (TDO) experience from an independent study funded by the Department of Behavioral Health and Developmental Services (DBHDS). According to DBHDS, there is no more refined or detailed data available at this time. However, with the available data, a likely impact has been identified in two areas.

Impact on the Involuntary Mental Commitment Fund

Despite the current six hour limit on emergency custody orders, according to a study completed by the Institute of Law, Psychiatry and Public Policy (ILPPP) for the month of April, 2013, of the 1,370 individuals recommended for temporary detention order, only 19 individuals were reported as not being granted a temporary detention order. The study notes that in many cases where a person did not receive a TDO, the most commonly reported reason was that the individual was still undergoing medical treatment. Annualizing this figure suggests that approximately 228 individuals would not be granted a TDO over the course of a year. Using the limited data available, the Department of Behavioral Health and Developmental Services has estimated that a second two-hour extension of the ECO period will result in an additional 24-108 of those individuals being granted temporary detention

orders each year, resulting in a minimal increased cost to the involuntary mental commitment fund of \$25,000 - \$115,000 per year.

Impact on local law enforcement.

The state does not currently provide funding to reimburse sheriffs' offices or local police for mandated activities related to ECOs. Therefore, unless the decision is made to begin providing state support for this activity, the proposal is not expected to have a fiscal impact on state funding for law enforcement. However, by expanding the number of hours related to ECO activities for local law enforcement officers, the proposal will have an impact on local law enforcement agencies.

Using data compiled from the ILPPP study, the Department of Behavioral Health and Developmental Services has estimated that 736 individuals per year will be in an extended ECO period, and will require continued law enforcement presence past the six hour window, assuming that the extension period is limited to finding an available bed for an individual who has been recommended for a TDO. Applying the average hourly wage of a deputy, the maximum estimated increased cost to law enforcement of a two hour increment is \$30,030.

9. Specific Agency or Political Subdivisions Affected: Involuntary Mental Commitment fund, local law enforcement, sheriffs.

10. Technical Amendment Necessary: No.

11. Other Comments: This bill incorporates HB294, HB621, HB583 and HB242.