

Department of Planning and Budget 2015 Fiscal Impact Statement

1. Bill Number: HB2303

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

2. Patron: Wright Jr.

3. Committee: Passed Both Houses

4. Title: Sexually violent predators; notice of hearings; conditional release plan.

5. Summary: The substitute bill requires the Department of Behavioral Health and Developmental Services, in preparing a conditional release plan for a sexually violent predator, to consult with the attorney for the Commonwealth, the chief law-enforcement officer, and the local governing body for the locality that is the proposed location of the predator's residence upon his conditional release. The bill also provides that such attorney for the Commonwealth receive a copy of any petition (i) for the conditional release of a predator, (ii) to take a conditionally released predator into emergency custody, (iii) for the release of a predator taken into emergency custody, or (iv) to modify or remove conditions on a predator's release..

6. Budget Amendment Necessary: No

7. Fiscal Impact Estimates: Final.

8. Fiscal Implications: The substitute bill requires that an attorney for the Commonwealth and chief law enforcement in the proposed locality of the release plan of a Sexually Violent Predator (SVP) be informed by the Department of Behavioral Health and Developmental Services (DBHDS) prior to their release from the Virginia Center for Behavioral Rehabilitation (VCBR). While this does not require the locality to agree to the placement, and should only result in minimal administrative costs to DBHDS, any delay in releasing an individual could increase costs at VCBR.

The current average daily rate for an individual receiving treatment at VCBR is \$254.58. The average annual cost per resident in FY 2014 was \$92,923. The exact fiscal impact will be determined by the number of SVP release plans are delayed due to any increased deliberation and the length of those delays. In FY 2014, 25 individuals were conditionally released. Going forward, the agency anticipates approximately 25 individuals per year will be granted conditional release from VCBR. In addition, any delay in approving individuals for conditional release will exacerbate projected capacity issues at the current facility.

9. Specific Agency or Political Subdivisions Affected: Department of Behavioral Health and Developmental Services, Courts of Justive, Law Enforcement

10. Technical Amendment Necessary: No

11. Other Comments: None