

Department of Planning and Budget

2015 Fiscal Impact Statement

1. **Bill Number:** SB 1263

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:** Deeds

3. **Committee:** Passed Both Houses

4. **Title:** Civil admission process; alternative transportation.

5. **Summary:** This bill provides that a magistrate may authorize alternative transportation for a person subject to an emergency custody order or temporary detention order when there exists a substantial likelihood that he will cause serious physical harm to himself or others. Current law prohibits the use of alternative transportation when there exists a substantial likelihood that he will cause serious physical harm to himself or others. The bill also provides liability protection for alternative transportation providers.

6. **Budget Amendment Necessary:** No

7. **Fiscal Impact Estimates:** Final.

8. **Fiscal Implications:** This bill allows for transportation alternatives, such as a parent, legal guardian, Community Services Board representatives, or alternative transportation providers to be utilized in lieu of law enforcement representatives when executing an Emergency Custody Order (ECO).

Depending on which form of alternative transportation is ordered, this bill could result in a fiscal impact in the form of general fund spending or savings. For example, if a magistrate determines that it is satisfactory for the parent or legal guardian of an individual under an ECO to provide transportation, the result is a reduced burden on the law enforcement agency who would otherwise be required to provide transportation. According to the latest Bureau of Labor Statistics (BLS) data, the mean hourly wage of a Police or Sheriff's Patrol Officer in the Commonwealth of Virginia is \$24.48.

If the magistrate rules that an alternative transportation company with vehicles equipped for appropriate transportation of an individual under an ECO is more appropriate than law enforcement transportation; this could result in a fiscal impact in the form of increased spending. Alternative transportation services charge flat fees for each trip plus added charges based on mileage. The current standard IRS rate for reimbursement per mile is \$0.56, so a trip spanning 20 miles would cost \$11.20 before the flat rate and any additional costs added by the service. Depending on the length of the trip, this cost could significantly surpass the comparative cost of utilizing law enforcement transportation options.

While existing Code does authorize alternative transportation in very limited cases, it does not specify who is to pay the costs of alternative transportation if a private company is used.

This legislation does not include any clarification of who is responsible for those costs. The Department of Behavioral Health and Developmental Services has stated that currently, Community Services Boards do not use nor pay for private transportation options.

9. Specific Agency or Political Subdivisions Affected: Community Services Boards, State Hospitals, Law Enforcement, Courts of Justice

10. Technical Amendment Necessary: No.

11. Other Comments: None.