

## **Department of Planning and Budget**

### **2018 Fiscal Impact Statement**

**1. Bill Number: HB 934**

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

**2. Patron: Hope**

**3. Committee: Reported from committee**

**4. Title: Medical and mental health treatment of jail inmates**

**5. Summary:**

The proposed legislation would establish a process whereby a sheriff or regional jail administrator could petition a court to order medical or mental health treatment for an inmate who was incapable, either mentally or physically, of giving informed consent to such treatment.

In addition, the legislation would require the Board of Corrections to promulgate standards concerning mental health services in jails, with the advice and guidance from the Commissioner of Behavioral Health and Developmental Services. The legislation would exempt those standards from the provisions of the Administrative Process Act.

**6. Budget Amendment Necessary: Indeterminate.**

**7. Fiscal Impact Estimates: Preliminary. See Item 8.**

**8. Fiscal Implications:**

All fees, costs, and other expenses, including fees and expenses for special justices or substitute judges, psychologists, physicians, and attorneys, would be paid by the Commonwealth, under the provisions of the proposed legislation. The Compensation Board reported that in FY 2017, 955 jail inmates with mental illness refused psychotropic medication. However, there is no information on how many of those inmates were incapable of giving informed consent for whom the sheriff or jail administrator could have, under the terms of the proposed legislation, sought a court order authorizing treatment. Therefore, the potential fiscal impact for the Commonwealth of the legislation cannot be estimated.

The standards for mental services in jails, which the legislation would require the Board of Corrections to adopt, could result in additional costs for local and regional jails. Because the state reimburses localities for some jail operating costs, the standards required by the legislation may result in increased costs for the state, as well. However, until the standards are promulgated, it is not possible to project any potential additional costs.

**9. Specific Agency or Political Subdivisions Affected:**

Compensation Board  
Board of Corrections  
Department of Corrections  
Department of Behavioral Health and Developmental Services  
Sheriffs  
Regional jail administrators  
Circuit and district court judges

**10. Technical Amendment Necessary:** None.

**11. Other Comments:** None.