

Department of Planning and Budget 2018 Fiscal Impact Statement

1. Bill Number: SB 267

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

2. Patron: Howell

3. Committee: Passed both houses

4. Title: Sexually violent predators

5. Summary:

Under state law, the Department of Corrections (DOC) must identify inmates convicted of any of certain enumerated sexually violent offenses within 10 months of the date they are scheduled to be released from prison. For those offenders who receive a statutorily designated score on the “Static 99” test or whose records reflect such aggravating circumstances that the DOC Director determines the offender appears to meet the definition of a sexually violent predator, the law establishes a process for further reviewing them to determine if they should be designated sexually violent predators. If a court finds an offender to be a sexually violent predator, it can involuntarily commit him to the Department of Behavioral Health and Developmental Services (DBHDS) for confinement and treatment.

Courts can order that offenders involuntarily committed as sexually violent predators must be housed in a secure facility operated by DBHDS or supervised in the community. DBHDS has a memo of agreement with DOC to supervise those sexually violent predators on community release.

The proposed legislation would substitute “an evidence-based assessment protocol” approved by DOC and DBHDS for the Static 99 assessment instrument for DOC to use in identifying those inmates convicted of sexually violent offenses who should be further considered for designation as sexually violent predators. It also would require DOC to identify those inmates 24 months from the date of their scheduled release, instead of 10 months.

Finally, the legislation would require the Commissioner of BDHDS to submit an annual report to the chairmen of the relevant committees in the Senate and House of Delegates setting out:

- Details of the assessment protocol approved by DOC and BDHDS to identify inmates who appear to meet the definition of a sexually violent predator;
- The number of inmates screened under the assessment protocol and the number of inmates identified as appearing to meet the definition of a sexually violent predator and referred for additional assessment; and

- A comparison of the number of inmates identified as appearing to meet the definition of a sexually violent predator and referred for additional assessment in the previous year with and the immediately previous five years.

6. Budget Amendment Necessary: None.

7. Fiscal Impact Estimates: Final. See Item 8.

8. Fiscal Implications:

The use of a different assessment instrument could result in a change in the number of inmates referred to further consideration as to whether they were sexually violent offenders and, consequently, a change in the number of persons projected to be involuntarily committed to DBHDS. It is not possible to project whether the use of a different assessment instrument would result in more or fewer offenders being designated sexually violent predators and, consequently what fiscal impact it would have.

9. Specific Agency or Political Subdivisions Affected:

Department of Corrections
Department of Behavioral Health and Developmental Services
Office of the Attorney General

10. Technical Amendment Necessary: None.

11. Other Comments: None.