

## Department of Planning and Budget 2019 Fiscal Impact Statement

**1. Bill Number:** HB1852

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

**2. Patron:** Hope

**3. Committee:** Courts of Justice

**4. Title:** Civil commitment of sexually violent predators; petition for release, procedures.

**5. Summary:** This bill provides that when a petition for release of a sexually violent predator who has been civilly committed has been made by the Commissioner of Behavioral Health and Developmental Services (DBHDS), no further evaluation of the committed respondent shall be required unless otherwise deemed necessary by the court. Under current law, if the Commissioner's recommendation is to release the committed respondent, such respondent's condition and need for secure inpatient treatment shall be evaluated by a second person with certain credentials to make such evaluations.

**6. Budget Amendment Necessary:** No.

**7. Fiscal Impact Estimates:** See 8 below.

**8. Fiscal Implications:** The Code of Virginia currently requires second opinion evaluations whenever there is a petition to release a sexually violent predator (SVP) from the Virginia Center for Behavioral Rehabilitation (VCBR). Second opinion evaluations, paid for by the Supreme Court of Virginia, cost anywhere between \$2,500 and \$5,000 and take six to eight weeks to complete. During this time, the individual must remain in DBHDS custody.

This legislation would remove the requirement for a second opinion evaluation when the petition for release is made by the DBHDS Commissioner. For the Commissioner to petition for release, the individual must have actively engaged in the various phases of treatment, demonstrated the willingness and ability to manage deviant sexual behaviors, and be at the lowest risk of reoffending.

This legislation will likely result in cost avoidance at the VCBR. The average cost of a bed at VCBR is \$300 per day. If the six to eight week delay in release is eliminated, that will avoid costs of between \$12,600 and \$16,800 per bed. Historically, there have only been one to two petitions by the Commissioner each year; however, DBHDS anticipates an increase in the number of petitions filed due to the elimination of the waiting period. Due to a continued projected increase in census, however, the beds would ultimately be filled by other individuals.

This legislation should also save the Supreme Court of Virginia \$2,500 to \$5,000 per

patient by eliminating the second opinion evaluation costs. Based on past volume of one to two patients per year, the total savings would potentially be between \$2,500 and \$10,000 per year.

**9. Specific Agency or Political Subdivisions Affected:** Department of Behavioral Health and Developmental Services, Supreme Court of Virginia

**10. Technical Amendment Necessary:** No.

**11. Other Comments:** None.