

Department of Planning and Budget

2020 Fiscal Impact Statement

1. Bill Number: SB818H2

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

2. Patron: Morrissey

3. Committee: House Committee for Courts of Justice

4. Title: Behavioral health dockets

5. Summary: The proposed bill creates the Behavioral Health Docket Act (“Act”). The purpose of the Act is to address co-occurring behavioral health issues, such as mental illness and substance abuse, related to persons in the criminal justice system.

Under the Act, specialized behavioral health dockets are created within the court system with the goal of (i) reducing recidivism; (ii) increasing personal, familial, and societal accountability among offenders through ongoing judicial intervention; (iii) addressing mental illness, substance abuse, and other conditions that contribute to criminal behavior and recidivism; (iv) promoting law-abiding behavior and successful reentry of offenders following incarceration; and (v) promoting effective planning and use of resources within the criminal justice system and community agencies.

The bill assigns the administrative oversight of implementation of the Behavioral Health Docket Act to the Supreme Court of Virginia with the requirement that a state behavioral health docket advisory committee be established in the judicial branch. Under the provisions of the bill, each jurisdiction that intends to establish a behavioral health docket or continue the operation of an existing behavioral health docket must establish a local behavioral health docket advisory committee. No adult offender who has been convicted of an act of violence, as defined in § 17.1-805 or 19.2-297.1, within the preceding 10 years, and no juvenile offender who has previously been adjudicated not innocent of any such offense within the preceding 10 years, shall be eligible to participate in any behavioral health docket.

Lastly, the bill establishes that the Office of the Executive Secretary of the Supreme Court (“OES”), with the assistance of the state behavioral health docket advisory committee, must develop a statewide evaluation model and conduct ongoing evaluations of the effectiveness and efficiency of all behavioral health dockets. The Executive Secretary must submit an annual report of these evaluations to the General Assembly by December 1 of each year.

6. Budget Amendment Necessary: No

7. Fiscal Impact Estimates: Preliminary (see Item #8)

- 8. Fiscal Implications:** According to the Office of the Executive Secretary of the Supreme Court (“OES”), there are currently 13 Behavioral health dockets in the Commonwealth funded primarily with state general funds.

The proposed bill would establish a model framework for the creation of future Behavioral health dockets, bringing existing dockets in alignment with the standards recognized by the state behavioral health advisory committee. Since the bill does not create any additional dockets, it is not expected to have a fiscal impact on court system resources.

- 9. Specific Agency or Political Subdivisions Affected:** Courts, Department of Corrections, Department of Juvenile Justice, Department of Behavioral Health and Developmental Services, Virginia Indigent Defense Commission, Commonwealth’s Attorneys’, local law enforcement and local community services boards.

- 10. Technical Amendment Necessary:** No

- 11. Other Comments:** None