

Department of Planning and Budget 2023 Fiscal Impact Statement

1. Bill Number: HB1976

House of Origin ☒ Introduced ☐ Substitute ☐ Engrossed

Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. Patron: Bell

3. Committee: Courts of Justice

4. Title: Involuntary admission; temporary detention; release of detained individual.

5. Summary: Permits the director of a facility where a person is awaiting transport to the facility of temporary detention pursuant to a temporary detention order to release the person prior to a commitment hearing if the person no longer meets the commitment criteria.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: See 8 below.

8. Fiscal Implications: This legislation clarifies that the director of a facility where an individual is detained or where an individual is currently awaiting transport to the designated facility of temporary detention may release an individual prior to the expiration of the temporary detention order (TDO) and/or the TDO hearing if the individual has been evaluated by a psychiatrist or clinical psychologist and determined to no longer meet the commitment criteria specified in subsection C of § 37.2-817.

This legislation may reduce the number of individuals admitted to a state facility through a temporary detention order if they are evaluated and determined to no longer meet the commitment criteria for detention while they are awaiting transport to the facility. Currently, only the director of the facility that has been designated as the facility of temporary detention is permitted to release an individual prior to a commitment hearing for involuntary admission if an evaluation conducted by a psychiatrist or clinical psychologist finds that the individual no longer meets the commitment criteria specified in subsection C of 37.2-817. Allowing directors of non-TDO facilities (likely emergency rooms) where an individual is awaiting transport to the designated facility of temporary detention may result in a release prior to admittance at a state hospital. The number of individuals who no longer meet commitment criteria while awaiting transport is not available, therefore the number of commitments that may be averted is unknown.

9. Specific Agency or Political Subdivisions Affected: Department of Behavioral Health and Developmental Services.

10. Technical Amendment Necessary: No.

11. Other Comments: This bill is a companion to SB1299.