

## Department of Planning and Budget 2007 Fiscal Impact Statement

**1. Bill Number** HB2671

<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** Griffith

**3. Committee** Courts of Justice

**4. Title** Sexually violent predators; civil commitment.

**5. Summary/Purpose:** This bill adds the following as sexually violent offenses: indecent liberties and indecent liberties by a person in a custodial or supervisory relationship, capital murder in the commission of, or subsequent to a rape or attempted rape, sodomy or forcible sodomy or object sexual penetration, capital murder in the commission of an abduction committed with intent to defile the victim, and first and second degree murder when the killing was in the commission of, or attempt to commit rape, forcible sodomy, or object sexual penetration. It also provides that any prisoner convicted of a sexually violent offense will be referred to the Commitment Review Committee (CRC) to be evaluated for civil commitment if he scores a minimum of four on the Static-99. Under current law, prisoners convicted of certain offenses (statutory rape, sodomy or object sexual penetration with child under age 13, and aggravated sexual battery with child under age 13 who suffered physical injury) are referred with a score of four, and the remainder are referred with a five. The bill also provides that certain provisions regarding the identification, review, and preparation for filing a petition for commitment are procedural and not substantive or jurisdictional, and that absent gross negligence or willful misconduct, failure to comply is not a basis upon which a court can deny civil commitment or conditional release. It reduces from five to four the number of members the seven member Commitment Review Committee needs for a quorum. It allows the CRC 120 instead of 90 days after receiving the name of an individual eligible to be evaluated for civil commitment to complete its assessment and submit its recommendation to the Attorney General. The bill grants access to a variety of records to the Department of Mental Health, the CRC, and the Department of Corrections and provides that the existence of prior convictions or charges may be shown with affidavits or documentary evidence. Conditional release provisions are modified and it is expressly stated that medications that lower testosterone may not be used as a primary reason for determining that alternatives less restrictive than full commitment are appropriate.

**6. Fiscal Impact Estimates are:** Tentative

**7. Budget amendment necessary:** See Fiscal implications.

**8. Fiscal implications:** The impact of this bill on the Department of Mental Health, Mental Retardation and Substance Abuse Services is based on the number of additional civil commitments to its Virginia Center for Behavioral Rehabilitation resulting from a change in the

score threshold on the Static-99 or comparable risk assessment. It is anticipated this bill will not change the numbers eligible for conditional release.

Preliminary projections indicate that there will be 48 to 60 additional cases per year sent for review by the Commitment Review Committee. Based on current commitment rates, an additional 25 per year could be civilly committed at VCBR. If implemented as of July 1, 2007, the civil commitment census at VCBR will increase from the current forecast of 113 at the end of FY08 to 136. For FY2009, the census is projected to increase to 215 and to 295 at the end of FY2010. For the 2006-08 biennium, the increased census can be accommodated within the existing appropriations for the existing Dinwiddie VCBR location and the 100 new beds to come on line in January 2008. By January 2009, construction will be complete on an additional 200 beds in Nottoway, bringing to 300 the number of new beds at that location. There will be sufficient new bed space to accommodate the FY2009 census of 215 and the FY2010 projected census of 295. After FY2010, VCBR – additional bed space will be needed.

	<b>Additional Operating Cost</b>	<b>Additional Construction Cost</b>
<b>FY 2007</b>	\$0	\$0
<b>FY 2008</b>	\$0	\$0
<b>FY 2009</b>	\$973,957	\$0
<b>FY 2010</b>	\$1,947,914	\$14,200,000
<b>FY 2011</b>	\$2,921,871	\$0
<b>FY 2012</b>	\$3,895,828	\$0

**9. Specific agency or political subdivisions affected:** Department of Mental Health, Mental Retardation and Substance Abuse Services

**10. Technical amendment necessary:** None

**11. Other comments:** This bill contains similar provisions to HB2672

**Date:** 01/29/07/eee

**Document:** G:\FY2007\2007 Legislation\SVP Bills\HB2671.Doc Emily Ehrlichmann

**cc:** Secretary of Health and Human Resources