

Department of Planning and Budget 2014 Fiscal Impact Statement

1. Bill Number: HB294

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

2. Patron: Bell, Robert B.

3. Committee: Courts of Justice

4. Title: Emergency custody order; extension.

5. Summary: Emergency custody order; extension. Provides that a magistrate shall order a second two-hour extension to an emergency custody order if good cause is shown to grant such an extension, provided the community services board submits to the magistrate a list of all facilities that were contacted by the board before the expiration of the first two-hour extension. Currently, an emergency custody order expires after four hours with the possibility of one two-hour extension being ordered by the magistrate upon good cause shown. Good cause for an extension includes the need for additional time to identify a suitable facility in which to temporarily detain the person subject to the emergency custody order or to complete a medical evaluation of such person.

6. Budget Amendment Necessary: See fiscal implications below.

7. Fiscal Impact Estimates:

7a. Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2014			
2015	\$212,873		
2016	\$212,873		
2017	\$212,873		
2018	\$212,873		
2019	\$212,873		
2020	\$212,873		

8. Fiscal Implications: This bill allows for a second extension of the emergency custody order for a period of two hours. The existing Code specifies that after the initial four hour hold period, a two hour extension may be granted in a case where a facility is being located, or where a medical evaluation must be completed. This bill would bring the maximum period of time a person may be held under an emergency custody order to eight hours.

The fiscal impact of this bill is based on very limited data, using one month's worth of Emergency Custody Order (ECO) and Temporary Detention Order (TDO) experience from an independent study funded by the Department of Behavioral Health and Developmental Services (DBHDS). According to DBHDS, there is no more refined or detailed data available at this time. However, with the available data, a likely impact has been identified in two areas.

Impact on the Involuntary Mental Commitment Fund

Despite the current six hour limit on emergency custody orders, according to a study completed by the Institute of Law, Psychiatry and Public Policy (ILPPP) for the month of April, 2013, of the 1,370 individuals recommended for temporary detention order, only 19 individuals were reported as not being granted a temporary detention order. The study notes that in many cases where a person did not receive a TDO, the most commonly reported reason was that the individual was still undergoing medical treatment. Annualizing this figure suggests that approximately 228 individuals would not be granted a TDO over the course of a year. Using the limited data available, the Department of Behavioral Health and Developmental Services has estimated that a second two-hour extension of the ECO period will result in an additional 24-108 of those individuals being granted temporary detention orders each year, resulting in a minimal increased cost to the involuntary mental commitment fund of \$25,000 - \$115,000 per year.

Impact on local law enforcement.

Using data compiled from the ILPPP study, the Department of Behavioral Health and Developmental Services has estimated that 736 individuals per year will be in an extended ECO period, and will require continued law enforcement presence past the six hour window, assuming that the extension period is limited to finding an available bed for an individual who has been recommended for a TDO. Applying the average hourly wage of a year two deputy, the maximum estimated increased cost to law enforcement of a two hour increment is \$30,030. If the two hour period is not limited to finding a bed, but is extended to the medical evaluation period, the maximum cost for a second two hour extension from \$97,873, as that could impact a larger number of individuals (as many as 2,400). The basic difference between these two alternatives is the assumption that many of the medical evaluations and potential placements into a TDO status that are currently being concluded within the six hours would be extended into the new two hour extension. To the extent that this occurs, the second scenario would come into play.

9. Specific Agency or Political Subdivisions Affected: Involuntary Mental Commitment fund, local law enforcement, sheriffs.

10. Technical Amendment Necessary: No.

11. Other Comments: None.