

Department of Planning and Budget 2015 Fiscal Impact Statement

1. **Bill Number:** HB2303

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

2. **Patron:** Wright Jr.

3. **Committee:** Health, Welfare, and Institutions

4. **Title:** Sexually violent predators; notice of hearings; conditional release plan.

5. **Summary:** The bill requires the Department of Behavioral Health and Developmental Services, in preparing a conditional release plan for a sexually violent predator, to consult with the attorney for the Commonwealth and chief law-enforcement officer for the locality that is the proposed location of the predator's residence upon his conditional release to determine whether the needed and appropriate supervision for the predator can be accommodated in the locality. The bill also provides that such attorney for the Commonwealth receive a copy of any petition (i) for the conditional release of a predator, (ii) to take a conditionally released predator into emergency custody, (iii) for the release of a predator taken into emergency custody, or (iv) to modify or remove conditions on a predator's release.

6. **Budget Amendment Necessary:** No

7. **Fiscal Impact Estimates:** Indeterminate

8. **Fiscal Implications:** This bill requires that an attorney for the Commonwealth and chief law enforcement in the proposed locality of the release plan of a Sexually Violent Predator (SVP) be contacted by the Department of Behavioral Health and Developmental Services prior to their release from the Virginia Center for Behavioral Rehabilitation (VCBR). The language grants the attorney for the Commonwealth and the chief law enforcement officer discretion to determine whether their locality can provide the appropriate supervision to accommodate the SVP. An extended deliberative process and additional authority to deny residence to an SVP could significantly delay the release of individuals from VCBR.

The current average daily rate for an individual receiving treatment at VCBR is \$254.58. The average annual cost per resident in FY 2014 was \$92,923. The exact fiscal impact will be determined by the number of SVP release plans are delayed due to increased deliberation and the length of those delays. In FY 2014, 25 individuals were conditionally released. Going forward, the agency anticipates approximately 25 individuals per year will be granted conditional release from VCBR. In addition, any delay in approving individuals for conditional release will exacerbate projected capacity issues at the current facility.

9. Specific Agency or Political Subdivisions Affected: Department of Behavioral Health and Developmental Services, Courts of Justice, Law Enforcement

10. Technical Amendment Necessary: No

11. Other Comments: None