

Department of Planning and Budget 2014 Fiscal Impact Statement

1. Bill Number: SB455

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

2. Patron: Obenshain

3. Committee: Education and Health

4. Title: Emergency custody orders; duration; extension.

5. Summary: Emergency custody orders; duration; extension. Provides for a second two-hour extension of the time during which a person may be held pursuant to an emergency custody order upon a finding by the magistrate that the person continues to meet the criteria for emergency custody and the second two-hour extension is necessary to identify a suitable facility for temporary detention.

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	\$145,030		
2016	\$145,030		
2017	\$145,030		
2018	\$145,030		
2019	\$145,030		
2020	\$145,030		

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. To the extent that the additional two hour period is not limited to the location of a facility, the fiscal impact to law enforcement increases as the anticipated number of individuals that would be held would also increase.

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

10. Technical Amendment Necessary: No.

11. Other Comments: This bill is a companion to HB583.