

## Department of Planning and Budget 2018 Fiscal Impact Statement

**1. Bill Number:** HB52ER

<b>House of Origin</b>	<input 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 checked="" type="checkbox"/> Enrolled

**2. Patron:** Hope

**3. Committee:** Passed Both Houses

**4. Title:** Location of competency and sanity evaluations

**5. Summary:** Requires that evaluations to determine whether a person is competent to stand trial or to determine a person's sanity at the time of the commission of a criminal offense be conducted on an outpatient basis at a mental health facility or in jail unless an outpatient evaluation has been conducted and the outpatient evaluator opines that a hospital-based evaluation is needed to reliably reach an opinion or the defendant is in the custody of the Commissioner of Behavioral Health and Developmental Services.

**6. Budget Amendment Necessary:** No

**7. Fiscal Impact Estimates:** Final (see Item 8)

**8. Fiscal Implications:** According to the Office of the Executive Secretary of the Supreme Court, the proposed bill is not expected to have a material fiscal impact on court operations.

Based on the current number of evaluations completed on an inpatient basis, the Department of Behavioral Health and Developmental Services (DBHDS) estimates that approximately 100 defendants that are currently admitted to a DBHDS hospital each year for evaluation would instead receive an evaluation on an outpatient basis. These evaluations are funded by the Supreme Court of Virginia. While this legislation would reduce the number of bed days used for evaluation purposes, those beds would likely be filled by other patients and would not result in any significant savings to state facilities.

The impact on local and regional jails is unknown at this time.

**9. Specific Agency or Political Subdivisions Affected:** Courts, Department of Behavioral Health and Development Services, and local and regional jails

**10. Technical Amendment Necessary:** No

**11. Other Comments:** None