

Department of Planning and Budget 2019 Fiscal Impact Statement

1. **Bill Number:** SB1417

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

2. **Patron:** Mason, T.M.

3. **Committee:** Courts of Justice

4. **Title:** Competency report; unrestorably incompetent defendant.

5. **Summary:** Provides that in cases where a defendant's competency is primarily compromised due to an ongoing and irreversible medical condition and prior medical or educational records are available to support the diagnosis, a competency report may recommend that the court find the defendant unrestorably incompetent to stand trial, and the court may proceed with the disposition of the case based on such recommendation. Under current law, the defendant is required to undergo treatment to restore his competency before the court can find a defendant unrestorably incompetent to stand trial.

6. **Budget Amendment Necessary:** No.

7. **Fiscal Impact Estimates:** Indeterminate.

8. **Fiscal Implications:** This legislation may result in an indeterminate amount of savings at the Department of Behavioral and Health and Developmental Services (DBHDS). Currently, the Code of Virginia mandates that a defendant undergo treatment to restore competency before he or she can be found unrestorably incompetent to stand trial. This legislation would allow someone whose competency is compromised due to an ongoing and irreversible medical condition to be deemed unrestorably incompetent without receiving treatment to restore competency.

Under current law, DBHDS is responsible for the provision of restoration of competency services. Individuals are either treated on an inpatient basis at a state facility at an average cost of \$56,592 per patient, or on an outpatient basis through a Community Services Board, which is then reimbursed by DBHDS, at an average cost of \$1,000 per patient. In FY 2018, DBHDS provided competency restoration services to 835 individuals.

If this legislation passes, it is likely that fewer individuals will require treatment to restore competency, resulting in cost savings for DBHDS. The amount of savings is indeterminate because the number of individuals who may be impacted is unknown.

9. **Specific Agency or Political Subdivisions Affected:** Department of Behavioral Health and Developmental Services, Supreme Court of Virginia, Commonwealth's Attorneys

10. Technical Amendment Necessary: No.

11. Other Comments: None.