

**Department of Planning and Budget
2021 Fiscal Impact Statement**

1. Bill Number: SB1272

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

2. Patron: Mason

3. Committee: Judiciary

4. Title: Disposition of the unrestorably incompetent defendant; capital murder charge; inpatient custody.

5. Summary: Provides that a court may commit a capital murder defendant to the inpatient custody of the Commissioner of the Department of Behavioral Health and Developmental Services provided that such defendant has remained unrestorably incompetent for a period of five years. The bill provides that after such defendant has been committed to the inpatient custody of the Commissioner, he may make interfacility transfers and treatment and management decisions regarding such defendant after obtaining prior approval of or review by the committing court. This bill is a recommendation of the Virginia Criminal Justice Conference.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: Minimal.

8. Fiscal Implications: Currently, the requirements of this legislation would apply to only three individuals in custody of the Department of Behavioral Health and Developmental Services (DBHDS) who could be transferred within the facility system from maximum security to a less restrictive bed. There may be minimal administrative costs associated with the hearings and transferring of patients, however those costs would be absorbed given the low number of individuals to which this applies.

9. Specific Agency or Political Subdivisions Affected: Department of Behavioral Health and Developmental Services.

10. Technical Amendment Necessary: No.

11. Other Comments: None.