

Department of Planning and Budget

2023 Fiscal Impact Statement

1. Bill Number: HB1959 ER

House of Origin ☐ Introduced ☐ Substitute ☐ Engrossed

Second House ☐ In Committee ☐ Substitute ☒ Enrolled

2. Patron: Mullin

3. Committee: Passed both Houses

4. Title: Disposition of the unrestorably incompetent defendant; aggravated murder charge; sexually violent.

5. Summary: Current law provides that if, at any time after a defendant is ordered to undergo treatment pursuant to subsection A of § 19.2-169.2 (Disposition when defendant found incompetent, effective until July 1, 2023), the director of the community services board or behavioral health authority or his designee or the director of the treating inpatient facility or his designee concludes that the defendant is likely to remain incompetent for the foreseeable future, he must send a report to the court so stating.

This bill provides that if a defendant is ordered to undergo treatment to restore his competency to stand trial and the initial evaluator has found that the defendant has an ongoing and irreversible medical condition causing him to likely remain incompetent for the foreseeable future or that the defendant has been found to be unrestorably incompetent in the previous two years, the initial evaluator must send a report to the court and the court shall proceed with a competency determination.

6. Budget Amendment Necessary: No

7. Fiscal Impact Estimates: Final. See Item 8 below.

8. Fiscal Implications: According to the Department of Behavioral Health and Developmental Services, this bill is not expected to have a fiscal impact on agency operations. This bill is not expected to have a material fiscal impact on courts. The fiscal impact this bill may have on other state agencies is not known at this time.

9. Specific Agency or Political Subdivisions Affected: Community Services Boards, courts

10. Technical Amendment Necessary: No

11. Other Comments: None