

Department of Planning and Budget

2022 Fiscal Impact Statement

1. Bill Number: HB147

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

2. Patron: Wiley

3. Committee: Public Safety

4. Title: Local correctional facilities and lock-ups; minimum standards.

- 5. Summary:** Currently, standards governing behavioral health services in local correctional facilities and lock-ups require that if a person is assessed as being in need of behavioral health services, the local correctional facility or lock-up must provide such services. This bill requires the State Board of Local and Regional Jails (the Board) to establish minimum standards for identification and care of individuals with developmental disabilities in local correctional facilities and procedures for enforcing such minimum standards, with the advice of and guidance from the Commissioner of Behavioral Health and Developmental Services and the State Inspector General. The minimum standards must include requirements for:
- (i) screening of individuals committed to local correctional facilities for developmental disabilities;
 - (ii) referral of individuals committed to local correctional facilities for whom a screening indicates reason to believe the person may have a developmental disability to an appropriate provider for an assessment to determine whether the individual has a developmental disability and is in need of developmental services; and
 - (iii) transfer of an individual determined to have a developmental disability and to be in need of developmental services from a local correctional facility to a facility at which appropriate developmental services are provided within 72 hours of completion of the assessment.

Under the provisions of this bill, standards governing the delivery of behavioral health services in local correctional facilities and lock-ups must require that if an individual is assessed as being in need of behavioral health services, such individual must be transferred from the local correctional facility or lock-up to a behavioral health facility within 72 hours of the assessment. The bill also adds developmental disability to § 53.1-133.03, which governs the exchange of certain medical and mental health records.

6. Budget Amendment Necessary: Indeterminate

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

8. Fiscal Implications: According to the Department of Corrections, which provides administrative and other support functions for the Board, this bill is not expected to have a

material impact on agency operations. The State Inspector General also reports that this bill is not expected to impact agency operations.

The Department of Planning and Budget has requested impact assessments from the Compensation Board and the Department of Behavioral Health and Developmental Services but has not received information. Therefore, the fiscal impact this bill may have on these agencies is not known at this time.

9. Specific Agency or Political Subdivisions Affected: Department of Corrections, local and regional jails, State Inspector General, Department of Behavioral Health and Developmental Services

10. Technical Amendment Necessary: No

11. Other Comments: None