

## **Department of Planning and Budget**

### **2022 Fiscal Impact Statement**

**1. Bill Number:** SB198H1

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

**2. Patron:**        Mason

**3. Committee:** House Committee for Courts of Justice

**4. Title:**        Involuntary admission of the defendant

**5. Summary:** The bill amends § 19.2-169.1 (Raising question of competency to stand trial or plead; evaluation and determination of competency) to establish that in cases where a defendant has been charged with a misdemeanor violation of Article 3 (§ 18.2-95 et seq.) of Chapter 5 of Title 18.2 or § 18.2-119 or 18.2-415 and is incompetent, the competency report may recommend that the court find the defendant incompetent and that the defendant should be committed pursuant to the provisions of Article 5 (§ 37.2-814 et seq.) of Chapter 8 of Title 37.2.

The bill also amends § 19.2-169.2 (Disposition when defendant found incompetent) to establish that upon finding pursuant to subsection E or F of § 19.2-169.1 that the defendant, including a juvenile transferred pursuant to § 16.1-269.1, is incompetent, the court must order that the defendant receive treatment to restore his competency on an outpatient basis or, if the court specifically finds that the defendant requires inpatient hospital treatment, at a hospital designated by the Commissioner of Behavioral Health and Developmental Services as appropriate for treatment of persons under criminal charge. Notwithstanding the provisions of subsection A, upon finding pursuant to subsection E or F of § 19.2-169.1 that the defendant is incompetent, if such defendant has been charged with a misdemeanor violation of Article 3 (§ 18.2-95 et seq.) of Chapter 5 of Title 18.2 or § 18.2-119 or 18.2-415 and the competency report described in subsection D of § 19.2-169.1 recommends the defendant be committed pursuant to the provisions of Article 5 (§ 37.2-814 et seq.) of Chapter 8 of Title 37.2, the court may, with the concurrence of the Commonwealth, order the community services board or behavioral health authority to petition for an order of involuntary commitment pursuant to the provisions of Article 5 (§ 37.2-814 et seq.) of Chapter 8 of Title 37.2 in lieu of ordering that the defendant receive treatment to restore his competency and dismiss the charges without prejudice against the defendant.

**6. Budget Amendment Necessary:** Indeterminate

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

**8. Fiscal Implications:** The bill is not expected to create a material fiscal impact on the court system or Commonwealth's Attorneys. However, it is possible that this legislation could increase the workload on Community Services Boards (CSB) pre-screening staff, and

additional staff may be required. Because the number of additional pre-screening reports that will be required as a result of this legislation is indeterminate, the fiscal impact on CSBs is unknown at this time.

**9. Specific Agency or Political Subdivisions Affected:** Courts, Commonwealth's Attorneys and local Community Service Boards.

**10. Technical Amendment Necessary:** No

**11. Other Comments:** None