

Department of Planning and Budget

2022 Fiscal Impact Statement

1. Bill Number: SB198S1

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

2. Patron: Mason

3. Committee: Senate Finance and Appropriations

4. Title: Involuntary admission of the defendant

5. Summary: The substitute bill amends § 19.2-169.1 to establish that if the court finds the defendant competent to stand trial, the case must be set for trial or a preliminary hearing. If the court finds the defendant either incompetent but restorable or incompetent for the foreseeable future, the court must proceed pursuant to § 19.2-169.2 (Disposition when defendant found incompetent).

The bill establishes that upon finding that the defendant is incompetent, the court may (i) upon motion from the attorney for the Commonwealth or counsel for the defendant order a preadmission screening report to be completed pursuant to § 37.2-816 (commitment hearing for involuntary admission). And after the preadmission screening report has been completed, without objection by counsel for the defendant as to the defendant's competency to stand trial and upon motion of the attorney for the Commonwealth, if the attorney for the Commonwealth is involved in the prosecution of the case, or upon its own motion, the court may permit the community services board or behavioral health authority to petition for involuntary admission of the defendant pursuant to § 37.2-809 (involuntary temporary detention) and proceed in accordance with § 37.2-817 (involuntary admission and mandatory outpatient treatment orders) and enter an order of nolle prosequi or dismissed without prejudice for the criminal charge.

6. Budget Amendment Necessary: Indeterminate

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

8. Fiscal Implications: According to the Virginia Association of Commonwealth's Attorneys, the substitute bill does not create a material fiscal impact on Commonwealth's Attorneys. The Office of the Executive Secretary of the Supreme Court also reports no material fiscal impact.

It is possible that this legislation could increase the workload on Community Services Boards (CSB) pre-screening staff, and additional staff may be required. However, the number of additional pre-screening reports that will be required as a result of this legislation cannot be determined at this time. The fiscal impact on CSBs is indeterminate.

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