

Department of Planning and Budget 2022 Fiscal Impact Statement

1. Bill Number: SB682

House of Origin	<input checked="" type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
Second House	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

2. Patron: Deeds

3. Committee: Education and Health

4. Title: Temporary detention; alternative custody.

5. Summary: Provides that if the facility indicated on a temporary detention order is a state facility, no bed for the person detained or in custody pursuant to the temporary detention order is immediately available at such state facility, and an employee or designee of such state facility is available to take custody of such person, such employee or designee of the state facility may assume custody of such person wherever such person is located and maintain custody of such person and transport such person to such state facility or to an alternative facility of temporary detention. The bill also provides that a person who is an inmate who is subject to an order authorizing treatment shall remain in law-enforcement custody at all times prior to admission to the facility designated for treatment of the person pursuant to such order

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: See 8 below.

8. Fiscal Implications: The bill authorizes that when an individual is placed under a temporary detention order (TDO) to a state facility, and no bed is available at that state facility, the custody of the individual may be provided by an employee or designee of the state facility where the individual is located, if there is an employee or designee of the state facility available. In these instances, the employee or the designee of the state facility shall maintain custody until the individual is transported to the state facility or alternative facility of temporary detention, if one is designated.

The bill also indicates that a state facility employee or designee may also provide transportation to a medical facility for evaluation, if this is required. If no employee or designee is available, the individual is to remain in law enforcement custody until the individual is transported to a state facility or alternative facility.

DBHDS currently operates a program of alternative transportation for some individuals under temporary detention orders who have been deemed appropriate by a magistrate for transportation to a facility by someone other than law enforcement. Under the current

contract, which is funded at \$4.5 million per year, Allied Universal Security does not assume custody of the individual until the individual is ready for transport to the available bed. As it stands, the vendor is working to provide 50 percent of the transportation services under TDO (approximately 11,400 transports per year), which will require an additional \$2.0 million above the current funding. The introduced budget includes an amendment to fully fund up to 50 percent of TDO transports via alternative transportation.

If the length of time an individual is in custody of an alternative transportation provider increases, then either additional funding is necessary in order to meet the 50 percent goal. In order to expand the contract to account for an increased custody period, the introduced budget includes \$3.5 million in FY 2024 to address custody transfer for individuals under a TDO who have been deemed appropriate for alternative transportation and who are waiting for a bed in a facility. If the use of alternative custody becomes effective as of July 1, 2022, additional funding of \$3.5 million may be required in order to fully fund both the alternative custody and alternative transportation periods for FY 2023.

However, because this legislation limits the use of alternative transportation to the funding available for the program, there is no anticipated fiscal impact to this bill. Expanding the program without additional funding may result in fewer individuals being provided alternative transportation overall.

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

10. Technical Amendment Necessary: No.

11. Other Comments: This bill is a companion to HB1147.