

Department of Planning and Budget
2025 General Assembly Session
State Fiscal Impact Statement

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ORIGINAL

Bill Number: HB2230

Patron: Cherry

Bill Title: Emergency custody and involuntary admissions; transfer of custody to facility.

Bill Summary: Permits the law-enforcement agency or alternative transportation provider providing a person subject to an emergency custody order transportation to a facility or location for the required evaluation to transfer custody of such person to such facility or location if it (i) agrees to accept custody of the person; (ii) is actually capable of providing the level of security necessary to protect the person and others from harm, including having appropriate security personnel; and (iii) in cases in which transportation is provided by a law-enforcement agency, has entered into an agreement or memorandum of understanding with the law-enforcement agency setting forth the terms and conditions under which it will (a) accept a transfer of custody and (b) request that the law-enforcement agency will return to the facility or location upon request to protect the person and others should the security needs of such facility or location be exceeded, provided, however, that the facility or location may not require the law-enforcement agency to pay any fees or costs for the transfer of custody.

Current law permits such transfer of custody if the facility or location (1) is licensed to provide the level of security necessary to protect both the person and others from harm, (2) is actually capable of providing the level of security necessary to protect the person and others from harm, and (3) in cases in which transportation is provided by a law-enforcement agency, has entered into an agreement or memorandum of understanding with the law-enforcement agency setting forth the terms and conditions under which it will accept a transfer of custody, provided, however, that the facility or location may not require the law-enforcement agency to pay any fees or costs for the transfer of custody.

Budget Amendment Necessary: No

Items Impacted: N/A

Explanation: N/A

Fiscal Summary: According to the Department of Criminal Justice Services (DCJS) this bill is not expected to have a material impact on agency operations. The impact this bill may have on the Department of Behavioral Health and Developmental Services (DBHDS) is not known at this time. This fiscal impact statement will be revised if the information becomes available.

Fiscal Analysis: None required

Other: None