

## TITLE 277. FORENSIC REVIEW BOARD

### CHAPTER 1. FORENSIC REVIEW BOARD

#### RULE IMPACT STATEMENT

##### PROPOSED RULES:

Chapter 1. Forensic Review Board [NEW]

- 1. BRIEFLY DESCRIBE THE PURPOSE OF THE PROPOSED RULES.** In accordance with the Administrative Procedures Act the proposed rules implement 22 O.S. § 1161, which authorizes the Forensic Review Board upon delegation by the Governor, to determine which individuals confined with the Department of Mental Health and Substance Abuse Services, pursuant to a finding of "not guilty by reason of insanity", are eligible for therapeutic visits, conditional release or discharge and whether the Board wishes to make such a recommendation to the court of the county where the individual was found not guilty by reason of insanity.
- 2. DESCRIBE THE CLASSES OF PERSONS WHO MOST LIKELY WILL BE AFFECTED BY THE PROPOSED RULES, INCLUDING CLASSES THAT WILL BEAR THE COSTS OF THE PROPOSED RULE, AND ANY INFORMATION ON COST IMPACTS RECEIVED FROM PRIVATE OR PUBLIC ENTITIES.** Individuals ordered to the custody of the Oklahoma Department of Mental Health and Substance Abuse Services through a "not guilty by reason of insanity" verdict. The FRB has determined these rules to be cost and revenue neutral.
- 3. DESCRIBE THE CLASSES OF PERSONS WHO WILL BENEFIT FROM THE PROPOSED RULES.** Individuals ordered to the custody of the Oklahoma Department of Mental Health and Substance Abuse Services through a "not guilty by reason of insanity" verdict.
- 4. DESCRIBE THE PROBABLE ECONOMIC IMPACT OF THE PROPOSED RULES UPON THE AFFECTED CLASSES OF PERSONS OR POLITICAL SUBDIVISIONS, INCLUDE A LISTING OF ALL FEE CHANGES AND WHENEVER POSSIBLE, JUSTIFICATION FOR EACH.** The FRB does not anticipate any economic impact on any affected classes of persons.
- 5. SPECIFY THE PROBABLE COSTS AND BENEFITS TO ODMHSAS AND TO ANY OTHER AGENCY FOR IMPLEMENTING AND ENFORCING THE PROPOSED RULES AS WELL AS, ANY ANTICIPATED EFFECT ON STATE REVENUES, INCLUDING A PROJECTED NET LOSS OR GAIN IN SUCH REVENUES, IF SUCH CAN BE PROJECTED.** The proposed rules are revenue and expense neutral.

6. **DETERMINE WHETHER IMPLEMENTATION OF THE PROPOSED RULES WILL HAVE AN ECONOMIC IMPACT UPON ANY POLITICAL SUBDIVISIONS OR REQUIRE THEIR COOPERATION IN IMPLEMENTING AND ENFORCING THE PROPOSED RULES** The FRB does not anticipate the implementation of these proposed rules will have an economic impact upon any political subdivision or parties required to implement or enforce such.
7. **DETERMINE IF IMPLEMENTATION OF THE PROPOSED RULES MAY HAVE AN ADVERSE ECONOMIC IMPACT ON SMALL BUSINESSES.** The FRB has determined these proposed rules will not have an adverse economic impact on small businesses.
8. **EXPLAIN THE MEASURES THE FRB HAS TAKEN TO MINIMIZE COMPLIANCE COSTS AND A DETERMINATION OF WHETHER THERE ARE LESS COSTLY OR NONREGULATORY METHODS OR LESS INTRUSIVE METHODS FOR ACHIEVING THE PURPOSE OF THE PROPOSED RULES.** ODMHSAS staff and FRB board members have met throughout the year with relevant stakeholders, and has refined procedures that incorporates thoughtful implementation of this legislative policy.
9. **DETERMINE THE EFFECT OF THE PROPOSED RULES ON PUBLIC HEALTH, SAFETY AND ENVIRONMENT AND, IF THE PROPOSED RULES ARE DESIGNED TO REDUCE SIGNIFICANT RISKS TO THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT, EXPLAIN THE NATURE OF THE RISK AND TO WHAT EXTENT THE PROPOSED RULES WILL REDUCE THE RISK.** The FRB anticipates these rules to enhance the quality of life of those individuals ordered to the Department of Mental Health and Substance Abuse Services as a result of a "not guilty by reason of insanity" verdict.
10. **DETERMINE IF ANY DETRIMENTAL EFFECT ON THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT IF THE PROPOSED RULES ARE NOT IMPLEMENTED.** The FRB will not be in compliance with the directives of the Legislature, which in this case, safeguards the civil liberties of affected parties and the public's safety.

**DATE PREPARED:**

March 3, 2010

**PREPARED BY:**

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