

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0222-02
Bill No.: HCS for HB 215
Subject: Juvenile Courts; Children and Minors
Type: Original
Date: February 21, 2007

Bill Summary: The proposal changes the definition of “adult” to a person 18 years of age or older and “child” to a person under 18 years of age in the chapter pertaining to juvenile courts.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
General Revenue	(More than \$700,000)	(More than \$700,000)	(More than \$700,000)
Total Estimated Net Effect on General Revenue Fund	(More than \$700,000)	(More than \$700,000)	(More than \$700,000)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 13 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
Total Estimated Net Effect on FTE	0	0	0

Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
Local Government	(More than \$20,900,000)	(More than \$20,900,000)	(More than \$20,900,000)

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Corrections** and the **Department of Public Safety – Director’s Office** assume the proposal would have no fiscal impact on their agencies.

Officials from the **Office of State Courts Administrator (CTS)** assume the proposed legislation would provide for juvenile court jurisdiction termination at age eighteen, rather than the present age of seventeen.

CTS assumes this would cause a significant workload and fiscal impact on the courts. (Illinois estimated a 33% increase in caseload when a similar bill was proposed in 2004.) CTS anticipates there will be approximately 190 additional law violations annually per circuit, and 114 additional status offenses annually per circuit. Approximately 10% of law and status offenses result in detention.

Since services provided in the juvenile justice system are significantly greater than those in the adult justice system, any adult “cost avoidance” would not be sufficient to handle the change.

Based upon projected additional violations in the 35 multi-county circuits in Missouri, the FY08 estimated juvenile personnel cost in these circuits would be \$5,298,266 and 104 juvenile officer FTE. Overall detention days for approximately 1,061 additional juveniles are projected to increase by 24,403, costing the state an additional \$341,642 in per diem reimbursement pursuant to Section 211.156, RSMo.

CTS provided the following comments from the 10 single-county circuits in Missouri:

Officials from the **7th Judicial Circuit** (Clay County) estimate an increase of about 300 referrals. The county funded drug intervention program estimates approximately \$19,000 to add 17 year olds. The county funded counseling program would need an additional \$1,100. Officials estimate 45 additional detentions with a subsequent increase in expenses and reimbursements by the state. Officials assume there would be the potential for additional group home placements with additional expenses and reimbursements by the state. However, officials stated they are not likely to consider many 17 year olds for their group home placements due to the additional age differential added to the population they are able to serve.

ASSUMPTION (continued)

Officials from the **11th Judicial Circuit** (St. Charles County) assume if the age were to be raised, there would be more referrals and more juveniles processed by Juvenile/Family Courts impacting current resources, both at the local level (detention, intake and services) and at the state level (Division of Youth Services and per diem payment for detention care).

Officials state there are currently 39 states that have age 18 or 19 as the age offenders are classified as adults. Thus, Missouri, with its age of 17 for being classified as an adult, is among the minority of states (11) that have 17 or 16 as the age offenders are classified as adults.

Officials provided the following projections on what might be the impact on the 11th Circuit Family Court, St. Charles County, if the age of jurisdiction for Juvenile/Family Courts were to be raised to 17 years.

Detention:

52% of admissions to the St. Charles County Juvenile Justice Center in 2004 were 16 years of age or older at time of admission. If the upper age of jurisdiction were changed to 17 years, the overall detention admissions could increase by as much as 46%. The daily population would likely increase by at least 4 juveniles and overall detention days increase by 1,528 costing the state an additional \$21,392 in per diem reimbursement costs pursuant to Section 211.156, RSMo. They would likely be at the level requiring an additional staff person per shift pursuant to the Supreme Court Standards for Secure Detention Facilities, requiring an 1 to 8 ratio, professional staff to residents. If so, they would need to add 5 full time staff members at an entry level salary of \$29,256 for a DJO Aide or \$31,893 for a DJO. Benefits would add \$9,362 to \$10,206 per position, respectively. Thus, additional personnel to operate detention center could range from \$193,090 to \$210,495.

Intake:

They disposed of 3,605 referrals involving 2,392 juveniles in face-to-face informal adjustment conferences or court hearings in 2004. If the upper age of jurisdiction were changed to 17 years, our referrals and juveniles would likely increase by 32% or to 4,759 referrals involving 3,157 juveniles. These numbers do not include referrals received that must be screened but are subsequently deemed legally insufficient to process. These referrals might number an additional 200. These estimates should be considered conservative. Officials state they would not likely add staff initially to address this increase in referrals.

ASSUMPTION (continued)

Services:

The demand on services would certainly increase but officials cannot project any numbers. Anecdotally, they know younger offenders commit less serious offenses and have less referral history and, as such, utilize less services, i.e. programs or probation, than older juveniles. Older juveniles do commit more serious crimes and/or have more serious referral histories requiring intervention to hold them accountable and reduce likelihood to re-offend.

Locally, they would likely need to add 2 DJOs to the Service Units for probation services and to facilitate new programs they would likely implement for the influx of these additional juveniles needing services. The starting salary for a DJO in Court Services is \$34,529. Benefits would cost \$11,049. Total initial cost would be \$91,156.

Impact on Division of Youth Services:

49 of the 81 juveniles or 61 % of those the Court committed to the Division of Youth Services in 2004 were 16 years of age or older at time of commitment. Again, working on assumption that older juveniles commit more serious offenses and/or have more serious referral history, officials would project that their commitment rate to DYS could increase by at least 25% or to 100 or more juveniles per year.

Certification for Trial as an Adult:

Currently, they have 40 juveniles 16 years of age or older known to their Court with a referral history that includes 2 or more unrelated felony offenses. If upper age of jurisdiction were changed to 17 years, one-third to one-half of these juveniles might be engaged in further felony offenses necessitating a certification hearing. As such, the number of certification proceedings per year would likely double in their Court. While most juveniles in their Court facing a certification proceeding end up committed to the Division of Youth Services, it is likely those 17 years of age or older would be certified for trial as an adult as time would be more limited for treatment under Division of Youth Services. Lastly, frequently though not always, these juveniles are held in secure detention pending the certification hearing. Their target time line is 30 days from filing of motion to hearing, but such can be difficult to achieve because of defense counsel's calendar.

ASSUMPTION (continued)

In Summary:

Officials from the 11th Judicial Circuit assume the following additional costs. The numbers projected should be considered conservative:

State of Missouri:

- 1) minimally \$21,392 for per diem reimbursement for secure detention; and
- 2) minimally 20 commitments to DYS at an unknown average cost per juvenile.

St. Charles County:

- 1) \$193,090 to \$210,495 for additional detention staff;
- 2) Unknown additional detention operating costs; and
- 3) \$91,156 additional for Court Services staff.

Officials from the **16th Judicial Circuit** (Jackson County) assume the change would increase their disposition by a total of approximately 1,000 per year. They would expect approximately 675 additional judicial dispositions (based on 2005 actual criminal records data for 17 year old violators) and up to 325 additional dispositions, including those for status offenses as well as informal adjustment and diversion programs. These additional youth would flow into their programs and services.

Officials estimate the annual incremental increase in workload by type of disposition as follows:

- a. Probation – 461 additional formal probation cases.
- b. Detention – 729 additional admissions x average length of stay of 21 days = 34 additional beds required.
- c. DYS commitments for residential placement – 56 youth
- d. Long term secure bed commitments (local) – 60 additional youth – approximately 35 beds required.
- e. Long term staff secure treatment commitments (local) – 78 additional youth – approximately 25 additional beds required.
- f. Community based residential treatment commitments – 32 additional youth – approximately 9 additional beds required.
- g. 14 additional youth in private institutional placement
- h. Approximately 184 additional youth in diversion programs and/or informal adjustment.

ASSUMPTION (continued)

Officials from the 16th Judicial Circuit assume the following increased requirements costs:

- a. Probation – increase of \$2,074,500 (461 x \$25/day x 180 days).
- b. Detention – operations only approximately \$1,712,580 (\$138/bed/day x 34 beds x 365 days).
- c. DYS commitments – cost to be determined by DYS.
- d. Local secure bed commitments – increase of \$1,762,950 (\$138/bed/day x 35 beds x 365 days).
- e. Local staff secure bed commitments – increase of \$1,259,250 (\$138/bed/day x 25 beds x 365 days).
- f. Community based bed commitments – increase of \$479,610 (\$146/bed/day x 9 beds x 365 days).
- g. Private institutional care – increase of \$275,940 (\$108/bed/day x 14 beds x 180 day stay) (MO State daily rate).
- h. 180 youth in informal adjustment/diversion programs – increase of approximately \$20,000.
- I. One judicial officer and two division staff (JAA and Bailiff) and one support staff in court administration – increase of \$230,000.

In summary, officials from the 16th Judicial Circuit assume an overall operations and staffing incremental cost of at least \$7,814,830 annually, plus at least 56 additional residential commitments to the MO Division of Youth Services. This does not include construction cost of a juvenile detention center and other required capital purchases.

Officials from the **19th Judicial Circuit** (Cole County) assume they would require additional field staff (DJOs) to accommodate between a 35 to 40% increase in cases. They would require an additional attorney to effectively deal with the circumstances involved around more experienced and mature offenders. They would require an increase in support staff of two dedicated positions, one to assist DJOs and one to assist legal counsel. A detention increase of 40% would require capitol improvements with the addition of at least another 6 beds or the costs associated with transporting and detaining juveniles at contracted juvenile facilities. In addition, programming, record storage, and administrative office costs would also be incurred. Lastly, the increase would require two detention staff to be in the unit currently served by one staff member, with the net effect of doubling the detention personnel costs.

ASSUMPTION (continued)

The 19th Judicial Circuit estimates the fiscal impact as follows:

Capitol Improvements	
Increase detention from 6 beds to 12 beds	\$1,742,000
Additional Personnel Costs	
2 DJOs and fringe benefits	79,842
2 support staff and fringe benefits	62,914
1 attorney and fringe benefits	62,811
1 detention staff person per shift	74,460
Expenses	<u>20,000</u>
Total Projected Impact	<u>\$2,042,027</u>

Officials from the **21st Judicial Circuit** (St. Louis County) estimate an incremental annual cost to St. Louis County of approximately \$3,120,000, representing an additional 42 FTE, 4,650 additional detention days care and approximately 6,000 additional square feet of office space at prevailing rental rates. In addition, officials project an additional \$265,000 cost to the state reflecting one additional commissioner position together with collateral staff and Section 211.156 per diem detention reimbursement.

Officials from the **22nd Judicial Circuit** (City of St. Louis) assume the proposal would result in additional costs of approximately \$2,753,408. This does not include the cost of an actual facility to house the extra detention population. This is based on the following assumptions:

- 40-50 additional juveniles in detention every day (this is the number of 16 year old juveniles they have each day now and they assume that the 17 year old category would be at least similar in number.)
- 100 additional juveniles on court supervision (this is the number of 16 year old juveniles they usually have on supervision at any one time and they assume that the 17 year old juveniles would equal at least another 100 juveniles at any one time.)

Officials from the **23rd Judicial Circuit** (Jefferson County) assume the addition of the 17 year old population would significantly increase the caseload for the department. During 2005, approximately 800 – 16 year olds were referred to their office for reason of delinquency. This represents about 25% of the total delinquency referrals received. Officials assume that, at a minimum, the same number of delinquency referrals would be received for 17 year olds. If this increase occurred, officials would recommend that the County Commission approve funding for two new DJO positions. The Jefferson County Juvenile Detention Facility is inadequate.

ASSUMPTION (continued)

Jefferson County officials are in the process of planning for its replacement with a new facility. In 2005, there were 317 juveniles detained, 109 of the juveniles detained were 16 yr olds. Assuming that the number of detained 17 yr olds would be at least equal to the number of detained 16 yr olds, this legislation would make it important for the Jefferson County Commission to adjust their plans to assure that a larger and more expensive juvenile detention facility be built.

Officials from the **31st Judicial Circuit** (Greene County) assume passage of this proposal would significantly affect the operational processes and costs.

First, based on research regarding law enforcement contacts with 17 years olds, referrals for law violations and status offenses would increase by approximately 1,200 youths. Officials believe this number to be a conservative number. Processing these cases through the system would require at least four additional court staff including Deputy Juvenile Officers, Probation Officers and Support Staff.

Second, during 2005, the Greene County Jail admitted 269 youths that were seventeen years of age. The 269 number is a reduction from the prior three years where the average was over 300 youths who were seventeen years of age who were admitted to detention. During 2005, a total of 401 juveniles were admitted to the detention facility. Adding the 269 seventeen year olds would make a total of 670 youths admitted to detention, a 67% increase in detention population. The average detention stay for 2005 was twelve days. Based on current detention standards, this would result in at a minimum, an addition of four deputy juvenile officers and one part-time health care professional such as a nurse.

Officials assume the total cost for the assumption of jurisdiction over 17 year olds would be salaries and fringe benefits for eight DJOs or POs, one support staff and one part-time health care professional for detention. Officials estimate the cost to be in excess of \$260,000.

Oversight assumes the Office of State Courts Administrator would incur increased costs due to a significant increase in workload. Oversight assumes these costs to be more than \$100,000 per fiscal year.

Oversight assumes the Office of State Courts Administrator (CTS) would incur an increase in the per diem reimbursement pursuant to Section 211.156. Based on information received from CTS and the single-county circuits, Oversight assumes the increased per diem reimbursement to be more than \$600,000 per fiscal year.

ASSUMPTION (continued)

Oversight assumes counties would incur increased costs for the circuit courts. Based on information received from CTS and the single-county circuits, Oversight assumes the cost would be more than \$21,500,000 per fiscal year.

Officials from the **Department of Social Services – Division of Youth Services (DYS)** assume the proposal is not expected to significantly impact the DYS. Currently, youth who commit status or municipal offenses are rarely committed to the care of the Division by the Juvenile Courts. Youth who are committed for minor violations are typically served within the community and do not require residential treatment services. The DYS anticipates being able to absorb, into existing programs, any additional youth who may be committed under the provisions of this bill.

DYS assumes any increase in the number of youth committed to its care, as a result of this bill, will be minimal. DYS further assumes that current resources are sufficient to meet the needs of those potential youth commitments.

In response to a previous version of the proposal (HB 215, LR # 0222-02), officials from the **Office of Prosecution Services (OPS)** assumed the proposal would mean that persons would not be subject to criminal prosecution by prosecuting attorneys in the adult court system until they attain the age of 18 years of age. Based up this interpretation, it is assumed that fewer criminal cases would be referred to county prosecutors for criminal charges and that this proposal would have a favorable fiscal impact on county prosecutors or the OPA except in counties where prosecuting attorneys represent juvenile officers in juvenile court proceedings where children are being adjudicated for committing acts in violation of the criminal code, in which case there should not be a significant change in the caseload.

Officials from the **Office of the State Public Defender (SPD)** assume this proposal will require more SPD resources. While the number of new cases (or cases with increased penalties) may be too few or uncertain to request additional appropriations for this specific bill, the SPD will continue to request sufficient appropriations to provide competent and effective representation in all its cases.

Oversight assumes the Office of the State Public Defender (SPD) could absorb the costs of the proposed legislation within existing resources. Oversight assumes any significant increase in the workload of the SPD would be reflected in future budget requests.

ASSUMPTION (continued)

Officials from the **Department of Elementary and Secondary Education (DESE)** assume there is no state cost to the foundation formula associated with this proposal. Should the new crimes and amendments to current law result in additional fines or penalties, DESE cannot know how much additional money might be collected by local governments or the DOR to distribute to schools. To the extent fine revenues exceed 2004-2005 collections, any increase in this money distributed to schools increases the deduction in the foundation formula the following year. Therefore the affected districts will see an equal decrease in the amount of funding received through the formula the following year; unless the affected districts are hold-harmless, in which case the districts will not see a decrease in the amount of funding received through the formula (any increase in fine money distributed to the hold-harmless districts will simply be additional money). An increase in the deduction (all other factors remaining constant) reduces the cost to the state of funding the formula.

Oversight assumes, for fiscal note purposes, any fine revenues distributed to the schools will be a small amount. Therefore, Oversight has not reflected fine revenue impact on school districts, the State School Moneys Fund, or the General Revenue Fund.

<u>FISCAL IMPACT - State Government</u>	FY 2008 (10 Mo.)	FY 2009	FY 2010
GENERAL REVENUE FUND			
<u>Costs – Office of State Courts</u>			
<u>Administrator</u>			
Increased court cases	(More than \$100,000)	(More than \$100,000)	(More than \$100,000)
Per diem reimbursement to counties	<u>(More than \$600,000)</u>	<u>(More than \$600,000)</u>	<u>(More than \$600,000)</u>
<u>Total Costs – CTS</u>	<u>(More than \$700,000)</u>	<u>(More than \$700,000)</u>	<u>(More than \$700,000)</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	<u>(More than \$700,000)</u>	<u>(More than \$700,000)</u>	<u>(More than \$700,000)</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2008 (10 Mo.)	FY 2009	FY 2010
POLITICAL SUBDIVISIONS			
<u>Revenues</u> – From Office of State Courts Administrator			
Per diem reimbursement	More than \$600,000	More than \$600,000	More than \$600,000
<u>Costs</u> – Counties			
For circuit courts	<u>(More than \$21,500,000)</u>	<u>(More than \$21,500,000)</u>	<u>(More than \$21,500,000)</u>
ESTIMATED NET EFFECT ON POLITICAL SUBDIVISIONS	<u>(More than \$20,900,000)</u>	<u>(More than \$20,900,000)</u>	<u>(More than \$20,900,000)</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

The proposed legislation changes the definition of “adult” to a person 18 years of age or older and “child” to a person under 18 years of age in the chapter pertaining to juvenile courts.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of State Courts Administrator
Department of Corrections
Department of Social Services
Department of Public Safety
– Director’s Office
Office of Prosecution Services
Office of the State Public Defender
Department of Elementary and Secondary Education
City of St. Louis



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