

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1017-01
Bill No.: HB 300
Subject: Courts, Juvenile; Children and Minors
Type: Original
Date: February 9, 2015

Bill Summary: This 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 for purposes of juvenile court jurisdiction.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
General Revenue	(\$13,196,985)	(\$14,572,168)	(\$14,887,827)
Total Estimated Net Effect on General Revenue	(\$13,196,985)	(\$14,572,168)	(\$14,887,827)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
Other State Funds	\$0	(\$504,707)	(\$539,725)
Capital Improvements Fund	(\$10,400,000)	\$0	\$0
State Facilities Maintenance Operations	\$0	(\$253,382)	(\$631,903)
Total Estimated Net Effect on Other State Funds	(\$10,400,000)	(\$758,089)	(\$1,171,628)

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 23 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
Federal Funds*	\$0	\$0	\$0
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

*Distribution increase (decrease) net to zero.

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
General Reveue	125 FTE	172.2 FTE	181.9 FTE
Other State Funds	0 FTE	8 FTE	9.7 FTE
Federal Funds	0 FTE	24.8 FTE	29.9 FTE
State Facilities Maintenance Operations	0 FTE	2 FTE	4 FTE
Total Estimated Net Effect on FTE	125 FTE	207 FTE	225.5 FTE

Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials at the **Department of Social Services' Division of Youth Services (DYS)** assume House Bill 300 raises the age of adult criminal responsibility from 17 to 18 years of age within Chapter 211, RSMo. This change effectively will create new status offense referrals to be processed by the juvenile court as well as shift criminal cases from the court of general jurisdiction to the juvenile and family court system. Further this bill enacted will lead to an increase in the number of juveniles certified to stand trial as an adult. An increase in youth involved in juvenile court and those certified as adults will lead to an increase in the DYS commitments and the dual jurisdiction population served by the division.

The DYS assumes the additional age group of 17 year old youth will likely result in 350 additional commitments to DYS each year. The division anticipates a fiscal impact in FY 17 of \$3.4 million, FY 18 of \$5.2 million (to include one-time costs). This fiscal impact includes the federal reimbursement to DSS. This is broken down by three funds - General Revenue, Other State Funds and Federal Funds. In FY 17 there will be costs to the General Revenue fund of \$2,927,300 with 47.2 FTE and costs to Other State funds of \$504,707 with 8 FTE. In FY 18 there will be costs to the General Revenue fund of \$4,633,691 with 56.9 FTE and costs to Other State funds of \$539,725 with 9.7 FTE. FY 17 and FY 18 will include costs to the Federal fund of \$1,605,963 with 24.8 FTE and \$1,618,726 with 29.9 FTE respectively, however these expenditures will be offset by federal reimbursement netting to zero in both fiscal years. The Department of Social Services (DSS) assumes full year staffing starting in FY18 for purposes of the fiscal note estimate. Note that this could be delayed depending on when the facilities are ready and other factors.

RESIDENTIAL TREATMENT

DYS anticipates no fewer than 350 new commitments per year from the juvenile court system as a result of this legislation based on a three year average of 16 year old youth committed annually and data received from the Department of Corrections (DOC). The division would require an additional 94 beds to serve this new population. The projected additional beds were arrived at through the following methodology:

DATA

2755 average youth served/FY (FY 12, 13, 14)

1692 average youth served in the DYS at a given point in time (FY 12, 13, 14) or 59%

726 average youth in DYS residential care at a given point in time (FY 12, 13, 14) or 45%

ASSUMPTION (continued)

PROJECTION

$2755 + 350$ new youth = 3105 youth projected to be served per year
 $3105 \times 59\%$ = 1832 youth to be served at a given point in time
 $1832 \times 45\%$ = 820 youth in residential care at a given point in time

820 youth projected in residential care - 726 avg. youth in residential care = 94 additional beds for the newly committed youth.

Information received from the DOC indicates that anywhere from 116 to 249 youth (predominantly 17 year olds) would be certified resulting in those youth either entering services of the DOC or being sentenced to Dual Jurisdiction. The three year average of certifications in Missouri is 65 annually. Using the lower end of the range, if DYS continues to accept youth into dual jurisdiction at its current pace, this would result in 26 referrals for dual jurisdiction assessment and 19 dual jurisdiction commitments per year with average lengths of stay anticipated to be three years. This represents a doubling of our current volume.

DATA

FY 15 projections
63 youth certified - average number of youth certified (CY 12, 13, 14)
14 dual jurisdictions assessments ordered or 22% of certified youth
10 youth accepted and committed to dual jurisdiction or 71%

PROJECTION

120 = number of youth certified
 $120 \times 22\%$ = 26 dual jurisdiction assessments ordered
 $26 \times 71\%$ = 19 youth accepted and committed to dual jurisdiction
 $19 - 10$ = 9 additional dual jurisdiction youth committed to DYS

The division has historically served an average of 22 dual jurisdiction youth at a given time. The current average length of stay of this population is 4 years. Under this proposal, it is anticipated that the average length of stay of the new population would decrease to 3 years. The additional 9 youth would lead to a need for 60 secure beds to serve dual jurisdiction youth at any given time. ($60 - 22$ dual jurisdiction beds = 38 additional secure beds for dual jurisdiction)

Therefore, the total number of additional residential beds needed is 132. The division can absorb 69 of these beds with existing resources by increasing the group size by 1 additional youth per group. This decreases the need to 63 new beds or an additional 6 groups, however with the estimated need based on the lower end of the spectrum the division is requesting an additional 7 groups or 77 beds.

ASSUMPTION (continued)

The division currently has space available at Hillsboro Treatment Center, a secure care center, to add an additional group. The remaining groups would have to be added through a combination of renovation/expansion of existing facilities and construction of new facilities. The following is a list of facilities and location:

Northwest Regional Youth Center (secure care) renovation/expansion - 1 group
Montgomery City Youth Center (secure care) renovation/expansion - 1 group
New moderate care facility in the Florissant/Hazelwood area - 2 groups
New moderate care facility in the Kansas City area - 2 groups

The Office of Administration, Facilities Management Design and Construction, estimates the renovation/expansions and new facilities to be completed no sooner than three fiscal years. The division anticipates the first year of commitments to be around 50% to 60% of total estimated new commitments; therefore, the residential costs would be absorbed in FY 16. The additional group in Hillsboro would result in a need of additional PS (1 group leader, 11 youth specialists, and 1 teacher) and EE in FY 17. The division would need additional contractual care dollars in the amount of \$4,137,640 (52 youth x \$218 average cost per day cost x 365 days) in FY17 during the renovation/expansion and new construction phase. In FY18 and beyond the contractual care cost would reduce to \$301,003.

The division would need additional dollars in FY 18 for personal service costs associated with staffing the new and renovated facilities as well as additional equipment and expense for startup and ongoing costs. The following is a breakdown associated with each facility and group:

Northwest Regional Youth Center: 13 FTE; Startup Costs; Ongoing EE
Montgomery City Youth Center: 13 FTE; Startup Costs; Ongoing EE
Moderate Care Florissant/Hazelwood area: 28 FTE; Startup Costs; Ongoing EE
Moderate Care Kansas City area: 28 FTE; Startup Costs; Ongoing EE
Hillsboro Treatment Center: 13 FTE; (Hillsboro is the center which has room for additional youth so no startup or ongoing EE are necessary)

CASE MANAGEMENT

It is assumed that enactment of House Bill 300 will result in an additional 350 traditionally committed youth and an additional 10 youth committed under the dual jurisdiction statute equaling 360 new entrants over the course of a year. The present caseload standard set by the division is 18. Our data suggests that the additional 360 youth added to the division over the course of a year will result in 210 youth being served at a given point in time. The average caseload of a division service coordinator at this time is 14.6. These 210 youth could be absorbed with existing case management resources.

ASSUMPTION (continued)

DAY TREATMENT

The DYS's data and projections indicate that the addition of '350'- 17 year old youth to the division would result in the need for day treatment service to 8 additional youth at a given time. Our existing day treatment sites can serve an additional 8 youth with existing resources.

ASSOCIATED YOUTH SERVICE COSTS

Upon commitment to the division, youth are placed in juvenile detention facilities by the committing court to await placement. Based on the current average cost per day and yearly usage, the division estimates a need of an additional \$31,250 per year for costs related to detention stays.

DIVISION OF LEGAL SERVICES (DLS)

This bill modifies the definitions of adult and child for the purposes of Chapter 211 RSMo. Presently, a person aged seventeen years of age and older is considered an adult and not a child for the purposes of the Juvenile Code. Under Section 211.021, the definition of an adult would now be changed to mean a person eighteen years of age or older. The definition of a child would now be modified from a person under 17 years of age to a person under 18 years of age. These changes bring the definitions of "child" and "adult" used in Juvenile and Family Court jurisdiction in line with Section 210.110 definitions, which are applied throughout Chapter 210.

This law modifies the age of juveniles who will be subject to the jurisdiction of the juvenile court. It will not affect the jurisdiction of the juvenile court as it relates to foster children. However, it will affect the jurisdiction of the juvenile court relating to status offenders and delinquent juveniles by extending the Juvenile Court jurisdiction up until the age of eighteen for youth who are adjudicated as either status offenders or delinquent youth. The DLS anticipates that there will be a direct fiscal impact on DYS and DLS as a result of this bill.

The proposed legislation will have a fiscal impact on the DLS. The DLS provides legal advice and representation to both the DYS and the Children's Division (CD). As noted below, the impact on the CD should be minimal and should not require any increase of the CD's need for legal representation over what it currently requires. However, the DLS can anticipate an increase in the number of case referrals from the DYS relating to motions to extend jurisdiction for youth when they reach the age of eighteen and relating to motions for dual jurisdiction youth.

Because extending the age of jurisdiction over status offenders and delinquent youth to the age of eighteen may result in an increased number of youth committed to the custody of the DYS, there will be increased need for legal advice and assistance from the DLS. Present projections by DYS indicate that it could receive approximately 350 new seventeen-year old youth needing DYS services on a yearly basis. A certain percentage of these youth will require residential placement.

ASSUMPTION (continued)

Although some of these 350 seventeen-year old youth will be able to complete their services prior to their eighteenth birthday, a substantial number will require continued services beyond their eighteenth birthday. If between 70 - 75 % of these youth require services beyond their eighteenth birthday, this will result in approximately 250 referrals to the DLS for motions to extend jurisdiction beyond the youth's eighteenth birthday. Assuming a need for court appearances on each of these cases, each referral would require about ten hours of attorney time or approximately 2500 hours of attorney time on a yearly basis.

In addition, this legislation may result in an increase in the number of dual jurisdiction cases. If the number of dual jurisdiction cases doubles for this age group, then the DLS may anticipate an increase of approximately twenty-five new referrals for dual jurisdiction youth. Because dual jurisdiction cases are more complex, it may be anticipated that each new case may take up to twenty hours of attorney time or approximately 500 hours of attorney time on a yearly basis.

The total hours necessary to handle the extensions of jurisdiction and the dual jurisdiction cases would therefore result in the need for approximately 3000 hours of attorney time. Based upon 2040 work hours per attorney on a yearly basis, this will result in a need for approximately 1.5 new FTE for the DLS.

DLS and CD

Section 210.110 already defines "child" as a person under eighteen years of age for the purposes of laws addressing abused and neglected children. Section 211.031.1(1) provides that the juvenile or family court jurisdiction shall extend to any child or person seventeen years of age who is found in the state and alleged to be in need of care and treatment, whether due to abuse, neglect, being homeless, being in need of mental health services that the parent or guardian cannot afford or access on behalf of the child, being repeatedly absent from school or home without cause or justification, or who has violated state laws or committed a status offense. This means that the juvenile court is already authorized to extend jurisdiction over a youth who is seventeen years of age. By changing the definition of "child" in Chapter 211 to include persons who are seventeen years of age, this will harmonize provisions within Chapter 210. It would not significantly impact the CD or the representation of staff or litigation conducted by DLS.

The rest of CD's programs and services, including those for abused or neglected children, family preservation, adoption, child care, or requests made under the Interstate Compact for the Placement of Children are already provided to youths up until the time they turn eighteen, or if currently-existing provisions of law apply, may be extended up to the time the youth turns twenty-one years of age. The legislation will have no substantial fiscal impact on the CD and will not require the DLS to provide increased representation to CD.

ASSUMPTION (continued)

CD

In section 211.021, this bill modifies the definition of adult and child for the purposes of chapter 211. The definition of adult is modified from age 17 years of age or older or 17 years old as defined in the definition of child, to "a person 18 years of age or older". The definition of child is modified from a person under 17 years of age or a person between 17 and 18 of a child alleged to have committed a status offense to "a person under 18 years of age". This bill also removes the definition of "status offense".

In section 211.031, current law refers to "child or person 17 years of age", which is essentially "a person under 18 years of age" which is the same as the modified definition "child". This bill removes "or person 17 years of age". These changes bring the definitions of "child" and "adult" used in Juvenile and Family Court Jurisdiction in line with Section 210.110 definitions, which are applied throughout Chapter 210. The division does not anticipate a fiscal impact as a result of this bill.

Officials at the **Department of Corrections (DOC)** assume prison admissions could be reduced by 56 offenders per year and the maximum reduction in the prison population will be 174, which will occur in the fourth year after the enactment of the bill (FY19). The DOC assumes probation cases could be reduced by 385 offenders per year and the field population will be reduced by 1,539, which will occur in the seventh year following enactment of the bill (FY22). The DOC assumes this legislation could result in long term cost avoidance. Potential cost avoidance as indicated in the chart below will vary according to the population and would not be fully realized until year 7 due to this legislation.

ASSUMPTION (continued)

	# to Prison	Avoided Cost per year	Total Cost Prison Avoidance	# to Probation	Cost Avoidance per year	Total Cost Avoidance of Probation	Grand Total Prison and Probation Cost Avoidance
Year 1 (10 months)	56	\$6,105	\$341,880	385	\$2,453	\$944,405	\$1,071,904
Year 2 (includes 2% inflation)	112	\$6,105	\$683,760	770	\$2,453	\$1,888,810	\$2,624,021
Year 3 (includes 2% inflation)	168	\$6,105	\$1,025,640	1,155	\$2,453	\$2,833,215	\$4,014,753
Year 4 (includes 2% inflation)	174	\$6,105	\$1,062,270	1,398	\$2,454	\$3,430,692	\$4,767,967
Year 5 (includes 2% inflation)	174	\$6,105	\$1,062,270	1,448	\$2,455	\$3,554,840	\$4,997,708
Year 6 (includes 2% inflation)	174	\$6,105	\$1,062,270	1,499	\$2,456	\$3,681,544	\$5,237,554
Year 7 (includes 2% inflation)	174	\$6,105	\$1,062,270	1,539	\$2,457	\$3,781,323	\$5,454,672
Year 8 (includes 2% inflation)	174	\$6,105	\$1,062,270	1,539	\$2,458	\$3,782,862	\$5,565,534
Year 9 (includes 2% inflation)	174	\$6,105	\$1,062,270	1,539	\$2,459	\$3,784,401	\$5,678,648
Year 10 (includes 2% inflation)	174	\$6,105	\$1,062,270	1,539	\$2,460	\$3,785,940	\$5,794,060

ASSUMPTION (continued)

This bill proposes changing the age for someone to be considered as an adult in the prosecution for criminal charges from 17 years of age to 18 years of age at the time of commission of the criminal offense. Given the DOC is currently responsible for the imprisonment and supervision of some offenders less than 18 years of age, the passage of this bill would carry with it the potential to impact the Department of Corrections. Further, given DOC is responsible for administering corrections to adult offenders and this bill proposes an increase in the age under which a person will be considered as a juvenile, or child, the impact for DOC will most likely be a reduction in the number of offenders under the age of 18 years for which it is responsible.

This note outlines in a variety of ways the numbers of new offenders less than 18 years of age for which DOC became responsible during the previous five fiscal years. (In the case in which revocations of field supervision is taken into account, new offenders less than 18 years of age for the five previous fiscal years are also included.) The rationale behind the estimates used in evaluating the potential impact is elaborated in following sections. Essentially, we are assuming that the criteria used to treat people less than 17 years of age as an adult will be applied to the population of offenders that are 17 years of age. This would produce a situation in which only the offenders from 17 years of age with offenses comparable to the offenses of the current population of offenders less than 17 years of age for which DOC assumes responsibility would be the responsibility of DOC in the future. Thus, this would reduce the number of offenders less than 18 years of age that have not committed "violent" offenses for which DOC will assume responsibility. This legislative change would not impact DOC responsibility for offenders who have committed offenses classified by legislation as offenses that even when committed by someone under the legal age necessary to be considered as an adult may be prosecuted by general jurisdiction.

Estimate of offender age and counts by age, placement, and offense type and class

Table 1 and table 2 provide counts by offense type and class for offenders less than 18 years of age who were first placed under field supervision or in an adult institution by DOC for each fiscal year from FY09 to FY14. Table 1 contains counts for offenders less than 17 years of age. Table 2 contains counts of offenders who were 17 years of age. Offender's ages were calculated using the offender's age at the date of offense where available. If an offense date was not available, then the offender's age at the date of sentencing was used. If neither an offense date nor a date of sentencing was available, the offender's age at the date of the beginning of field supervision or incarceration was used to estimate the age of the offender.

ASSUMPTION (continued)

Table 1

NEW OFFENDERS LESS THAN 17 YEARS OF AGE - DOC								
	Offense Type	Offense Class	Fiscal Year					
			FY09	FY10	FY11	FY12	FY13	FY14
Field Supervision			1	3	0	2	1	0
	F		1	0	5	2	1	1
		A	1	2	3	4	2	2
		B	14	5	12	11	12	5
		C	34	25	19	14	14	10
		D	5	7	2	8	5	2
	M	A	0	1	1	2	1	3
Subtotal for Field Supervision			56	43	42	43	36	23
Incarceration	F		10	3	0	4	3	3
		A	23	11	13	19	6	10
		B	9	10	11	9	7	9
		C	7	7	11	5	8	3
		D	5	1	3	0	1	0
	U		0	0	0	0	0	1
Subtotal for Incarceration			54	32	38	37	25	26
TOTAL			110	75	80	80	61	49

ASSUMPTION (continued)

Table 2

NEW OFFENDERS 17 YEARS OF AGE - DOC								
			Fiscal Year					
	Offense Type	Offense Class	FY09	FY10	FY11	FY12	FY13	FY14
Field Supervision			23	6	5	5	5	2
	F		11	11	5	8	4	7
		A	9	8	9	8	9	7
		B	102	87	76	72	60	67
		C	605	557	477	429	434	313
		D	152	96	87	75	59	68
	M	A	14	19	27	16	18	18
		B	0	1	1	0	0	0
		C	1	2	0	0	0	0
Subtotal for Field Supervision			917	787	687	613	589	482
Incarceration	F		20	13	11	9	5	11
		A	44	34	29	24	15	22
		B	38	58	42	42	40	28
		C	87	64	43	57	50	37
		D	13	4	13	13	8	5
Subtotal for Incarceration			202	173	138	145	118	103
Incarcerations including first revocations for new offenders from previous 5 fiscal years			665	612	573	566	496	459
TOTAL NEW OFFENDERS IN FISCAL YEAR			1119	960	825	758	707	585

Table 2 also includes counts of offenders 17 years of age at the time of offense that DOC incarcerated during each fiscal year from FY09 to FY14. In counting these incarcerations, first revocations of field supervision assignments given to new offenders 17 years of age during at least the previous five years are included. Thus, in FY14 103 new offenders 17 years of age were incarcerated as a result of their initial sentencing while 356 (459-103) offenders 17 years of age were incarcerated due to the revocation of a field supervision assignment that was made sometime within at least the previous five fiscal years.

ASSUMPTION (continued)

Identification of offenses for which DOC assumes responsibility for juvenile offenders

As was previously the case for persons less than 17 years of age, with the passage of this bill persons less than 18 years of age will continue to be subject to section 211.071 of Missouri legislation, which allows for the petitioning for the certification of a juvenile to be tried as an adult for the commission of certain felony offenses.

For the most part, however, DOC is responsible for administering corrections for juvenile offenders who have committed violent and/or violent sex offenses. This is shown in table 3 as the proportion of violent offenses that contributes to the total number of offenses by juvenile offenders for which DOC is responsible is consistently above 50%, and it is as high as 66% in both FY12 and FY13. Offenses are herein classified as "violent" if they are associated with a NCIC code of 09 (homicide), 11 (sexual assault/rape), 13 (assault), 36 (sex offense), or 64 (exploitation/enticement).

Table 3

NEW OFFENDERS LESS THAN 17 YEARS OF AGE CLASSIFIED BY VIOLENT AND NON-VIOLENT OFFENSE CATEGORIES		Fiscal Year					
		FY09	FY10	FY11	FY12	FY13	FY14
Non-violent offenses	Field Supervision	40	29	21	24	18	16
	Incarceration	12	7	11	3	3	6
SUBTOTAL non-violent offenses		52	36	32	27	21	22
Violent offenses	Field Supervision	16	14	21	19	18	7
	Incarceration	42	25	27	34	22	20
SUBTOTAL violent offenses		58	39	48	53	40	27
TOTAL		110	75	80	80	61	49
Proportion Field Supervision violent		0.15	0.19	0.26	0.24	0.30	0.14
Proportion Incarceration violent		0.38	0.33	0.34	0.43	0.36	0.41
Proportion violent		0.53	0.52	0.60	0.66	0.66	0.55

ASSUMPTION (continued)

For the purpose of estimating the number of offenders 17 years of age for which DOC would continue to assume responsibility following the proposed changes in legislation, a similar analysis for the new offenders 17 years of age is presented in table 4.

Table 4

NEW OFFENDERS 17 YEARS OF AGE CLASSIFIED BY VIOLENT AND NON-VIOLENT OFFENSE CATEGORIES		Fiscal Year					
		FY09	FY10	FY11	FY12	FY13	FY14
Non-violent offenses	Field Supervision	790	684	593	529	506	392
	Incarceration	90	66	59	69	49	43
SUBTOTAL non-violent offenses		880	750	652	598	555	435
Violent offenses	Field Supervision	127	103	94	84	83	90
	Incarceration	112	107	79	76	69	60
SUBTOTAL violent offenses		239	210	173	160	152	150
TOTAL		1119	960	825	758	707	585
Proportion Field Supervision violent		0.11	0.11	0.11	0.11	0.12	0.15
Proportion Incarceration violent		0.10	0.11	0.10	0.10	0.10	0.10
Proportion violent		0.21	0.22	0.21	0.21	0.21	0.26

During FY14, DOC incarcerated 60 new violent offenders 17 years of age (see table 4). Of those, 33 were convicted of unclassified or class A felonies (see table 2). We will assume that if the bill passes, DOC will continue to assume responsibility for all offenders of this type. This means that there are 552 offenders 17 years of age that could be sentenced as juvenile offenders (585 sentenced to prison in FY14 less the 33 that would continue to be the responsibility of DOC). Therefore, the adjustment that will be made to the number of offenders less than 18 years of age for which DOC will be responsible will be an 80% reduction in the remaining number of offenders who were 17 years of age at the time of their offense.

This estimate of 80% is based on a review of historical records of the distribution of cases of offenders less than 17 years of age between the Department of Corrections and the Division of Youth Services, see table 5. Thus, it is expected that the passage of the bill will reduce the total number of new offenders 17 years of age for which DOC assumes responsibility on an annual basis by approximately 441 (552 offenders x 80%). These 441 offenders will comprise 56 fewer incarcerations of new offenders 17 years of age (70 offenders x 80%) and 385 fewer new offenders 17 years of age placed under field supervision (482 offenders x 80%).

ASSUMPTION (continued)

Table 5 - New sentences of juveniles in FY13 and FY14

	DOC Intake	DYS Intake		Total	Total Juveniles	Percent DOC
		FY13	FY14			
13	5	48	57	105	110	5%
14	5	155	126	281	286	2%
15	16	274	237	511	527	3%
16	77	364	293	657	734	10%
Total	103	841	713	1554	1657	6%
Estimate for 17 year olds sent to the DOC						20%

Length of incarceration and supervision periods and impact analysis

Table 6 shows the average lengths of time served in prison and under field supervision by new offenders 17 years of age. On average, new offenders 17 years of age sentenced to prison whose cycles ended in FY14 served 3.1 years in prison and 3.8 years under field supervision while on parole. (Time served in jail or other facilities also referred to as "credit time" is included in the calculations of time spent in prison and time served by offenders who committed class A felonies also classified as violent crimes is excluded from this calculation.) On average, new offenders 17 years of age sentenced to probation who completed their probation without revocation in FY14 served an average of 3.5 years under supervision. These figures are applied to the offender counts identified in the previous section to estimate the overall future impact for DOC.

Table 6

PRISON TIME SERVED AND TIME UNDER FIELD SUPERVISION FOR OFFENDERS 17 YEARS OF AGE									
	Count	FY13				FY14			
		Average Years				Average Years			
		Sentence	Prison	Probation / Parole		Sentence	Prison	Probation / Parole	
Field Supervision - Discharge	306			3.9	290				3.5
Field Supervision - Other	561			1.8	457				1.6
SUBTOTAL Field Supervision	867			2.6	747				2.3
SUBTOTAL Incarcerated	110	5.9	2.9	3.2	106	6.9	3.1		3.8
TOTAL	977				853				

ASSUMPTION (continued)

Table 7 shows the cumulative impact of an annual decrease of 56 new offenders 17 years of age that will be sent to prison through FY24.

Table 7

Change in Incarcerations									
Fiscal Year	FY16	FY17	FY18	FY19	FY20	FY21	FY22	FY23	FY24
FY16	-56	-56	-56	-6					
FY17		-56	-56	-56	-6				
FY18			-56	-56	-56	-6			
FY19				-56	-56	-56	-6		
FY20					-56	-56	-56	-6	
FY21						-56	-56	-56	-6
FY22							-56	-56	-56
FY23								-56	-56
FY24									-56
Total	-56	-112	-168	-174	-174	-174	-174	-174	-174

Table 8 shows the cumulative impact of annual decreases in DOC responsibility for the supervision of probation and parole assignments in the field through FY24. The figures in table 8 reflect the aforementioned reduction in 385 new offenders 17 years of age assigned to probation as well as the reduction of incarcerated offenders 17 years of age who are released to an average of 3.8 years supervision in the field while on parole.

Table 8

Change in Field Supervision Cases									
Fiscal Year	FY16	FY17	FY18	FY19	FY20	FY21	FY22	FY23	FY24
FY16	-385	-385	-385	-243	-50	-50	-40		
FY17		-385	-385	-385	-243	-50	-50	-40	
FY18			-385	-385	-385	-243	-50	-50	-40
FY19				-385	-385	-385	-243	-50	-50
FY20					-385	-385	-385	-243	-50
FY21						-385	-385	-385	-243
FY22							-385	-385	-385
FY23								-385	-385
FY24									-385
Total	-385	-770	-1155	-1398	-1448	-1499	-1539	-1539	-1539

Summary

Prison admissions will be reduced by 56 offenders per year and the maximum reduction in the prison population will be 174, which will occur in the fourth year after the enactment of the bill (FY19). Probation cases will be reduced by 385 offenders per year and the field population will be reduced by 1,539, which will occur in the seventh year following enactment of the bill (FY22).

ASSUMPTION (continued)

The concern is that these projections may not be fully achieved because young offenders have very high recidivism rates and many of the offenders who will be supervised by the Division of Youth Services instead of the DOC after the age of an adult is raised will continue to commit new crimes after the age of 18 and be received by the DOC.

Officials at the **Office of Administration's Facilities Management, Design and Construction (FMDC)** assume this legislation will affect their Capital Improvement and Operating Budget. To accommodate the Department Social Services' Youth Services projection of additional youths to their program, this will require FMDC to construct new space at various sites statewide for residential type facilities. In addition, FMDC will require day-to-day maintenance staff and operating cost to include fuel & utilities. The following is a list of assumptions in determining FMDC's fiscal impact:

New Construction will include (3-yr timeframe - FY2018 completion):

- 20 bed Moderate facility - St. Louis - with Cafeteria/gymnasium \$4,063,000
- 20 bed Moderate facility - Kansas City - with cafeteria/gymnasium \$4,063,000

Renovation will include (2-yr timeframe - FY2017 completion):

- Expand Montgomery City Youth Ctr. with a new 10 Secure beds dorm and a new classroom - \$1,152,000
- Expand Northwest Regional Center - with a new 10 beds dorm and new classroom - \$762,000

Total Construction cost for new youth center and renovation to existing sites. Actual needs to be determine examples include: administrative offices, dormitory, day room, kitchen, cafeteria/gym, laundry, bathrooms, and classrooms. Also, construct a maintenance building, storage and vocational technology building. Cost to include: buildings, property purchase and parking lot. If this legislation passes in CY2015 and is included in the FY16-FY17 New Construction budget, then occupancy could occur in FY2018.

TOTAL CONSTRUCTION COST = \$10,040,000

ASSUMPTION (continued)

Day-to-Day Maintenance and Operating cost include for 2017 occupancy of new expansion at Montgomery City Youth Center and at Northwest Regional Campus:

Physical Plant Supv II = 2 FTE - \$78,635
Fringe Benefits = \$40,108
One Time Startup Maintenance Equipment = \$45,732
One-Time Ofc Computer/Monitor/chairs, etc. = \$14,134
Day-to-Day E&E/F&U = \$74,773
TOTAL Day-to-Day cost 2017 = \$253,382

Day-to-Day Maintenance and Operating cost include for 2018 occupancy of new construction sites within St. Louis & Kansas City area:

Maintenance Worker II = 2 FTE - \$59,174
Physical Plant Supv II = 2 FTE - \$79,421
Fringe Benefits = \$70,690
One-Time Startup Maintenance Equipment = \$207,124
One-Time Ofc Computer/Monitor/chairs, etc. = \$14,558
Day-to-Day E&E/F&U = \$200,936
TOTAL Day-to-Day cost for 2018 = \$631,903

Officials at the **Office of the State Courts Administrator (OSCA)** assume 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 for purposes of juvenile court jurisdiction. While it is not possible to quantify the impact of this change exactly, it would be significant. It would cause a significant workload and fiscal impact on the courts. It is anticipated there would be approximately 1,546 additional juvenile law violations annually and 2,273 status violations in the 35 multi-county circuits.

Based upon projected additional violations in the 35 multi-county circuits in Missouri, the FY16 estimated juvenile personnel cost in these circuits would be \$3,402,585 (37 juvenile officer FTE and 16.5 FTE detention aids). In addition, the single county circuit juvenile referrals on average are 47% higher than the multi-county circuits resulting in a total cost of \$7,444,320. In addition, there would be added training cost for all new juvenile officer staff of \$192,184, program cost for multicounty circuits of \$1,307,600 and program cost for single county circuits of \$1,922,200. The total cost would be \$14,268,889. Below is a breakdown of the costs:

ASSUMPTION (continued)

Multi Circuits*

	FTE	Salary	Total	Fringes	Total
Juvenile Officer (Law Violation)	17	\$43,488	\$739,296	\$432,119	\$ 1,171,415
Juvenile Officer (Status Offender)	20	\$43,488	\$869,760	\$508,375	\$ 1,378,135
Detention Aid	16.5	\$32,628	\$538,362	\$314,673	\$ 853,035
				Total	\$ 3,402,585

Single Circuits*

Juvenile Officer (47% greater number of referrals than multi-county circuits)					\$ 1,721,979
Status Offender (47% greater number of referrals than multi-county circuits)					\$ 2,025,858
Detention Aid	71.5	\$32,628	\$2,332,902	\$1,363,581	\$ 3,696,483
				Total	\$ 7,444,321

Training for all new juvenile officer staff					\$ 192,184
Program Cost for multicounty circuit (((\$350 per juvenile (1,546 + 2,190)*\$350))					\$ 1,307,600
Program Cost for single county circuit (((\$350 per juvenile (2,273 + 3,219)*\$350))					\$ 1,922,200
				Total Cost	\$14,268,889

*Note: The 35 multi-county circuits are state paid, the single county circuits are reimbursed by the state.

Officials at the **Office of the State Public Defender (MSPD)** assume this proposal would have a positive impact on MSPD's workload. Under MSPD's Rubin Brown case weights, MSPD can provide representation in more juvenile cases than they can in adult cases. How many fewer cases would depend upon the type of case.

Officials at the **Department of Mental Health**, the **Office of Prosecution Services** and the **Department of Public Safety's Missouri Highway Patrol** each assume no fiscal impact to their respective agencies from this proposal.

<u>FISCAL IMPACT - State Government</u>	FY 2016 (10 Mo.)	FY 2017	FY 2018
GENERAL REVENUE FUND			
<u>Savings</u> - DOC - cost avoidance/reduction in prison population requiring supervision	\$1,071,904	\$2,624,021	\$4,014,753
<u>Cost - DSS</u>			
Personal Service	\$0	(\$227,625)	(\$2,213,946)
Fringe Benefits	\$0	(\$127,621)	(\$1,162,854)
Equipment and Expense	\$0	(\$172,321)	(\$1,052,209)
Contractual Care	<u>\$0</u>	<u>(\$2,399,733)</u>	<u>(\$204,682)</u>
<u>Total Cost - DSS</u>	<u>\$0</u>	<u>(\$2,927,300)</u>	<u>(\$4,633,691)</u>
FTE Change - DSS	0 FTE	47.2 FTE	56.9 FTE
<u>Costs - OSCA</u>			
Personal Service	(\$4,480,320)	(\$4,480,320)	(\$4,480,320)
Fringe Benefits	(\$2,618,748)	(\$2,618,748)	(\$2,618,748)
Equipment and Expense	<u>(\$7,169,821)</u>	<u>(\$7,169,821)</u>	<u>(\$7,169,821)</u>
<u>Total Costs - OSCA</u>	<u>(\$14,268,889)</u>	<u>(\$14,268,889)</u>	<u>(\$14,268,889)</u>
FTE Change - OSCA	125 FTE	125 FTE	125 FTE
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
	<u>(\$13,196,985)</u>	<u>(\$14,572,168)</u>	<u>(\$14,887,827)</u>
Estimated Net FTE Change for General Revenue Fund	125 FTE	172.2 FTE	181.9 FTE

<u>FISCAL IMPACT - State Government</u> (continued)	FY 2016 (10 Mo.)	FY 2017	FY 2018
OTHER STATE FUNDS (various)			
<u>Cost - DSS</u>			
Personal Service	\$0	(\$38,581)	(\$255,677)
Fringe Benefits	\$0	(\$22,390)	(\$136,806)
Equipment and Expense	\$0	(\$29,989)	(\$123,162)
Contractual Care	<u>\$0</u>	<u>(\$413,747)</u>	<u>(\$24,080)</u>
<u>Total Cost - DSS</u>	<u>\$0</u>	<u>(\$504,707)</u>	<u>(\$539,725)</u>
FTE Change - DSS	0 FTE	8 FTE	9.7 FTE
ESTIMATED NET EFFECT ON OTHER STATE FUNDS (various)	<u>\$0</u>	<u>(\$504,707)</u>	<u>(\$539,725)</u>
Estimated Net FTE Change for Other State Funds	0 FTE	8 FTE	9.7 FTE
FEDERAL FUNDS			
<u>Income - DSS - increase in federal reimbursement</u>	\$0	\$1,605,963	\$1,618,726
<u>Costs - DSS</u>			
Personal Service	\$0	(\$119,600)	(\$766,577)
Fringe Benefits	\$0	(\$69,408)	(\$410,419)
Equipment and Expense	\$0	(\$92,965)	(\$369,489)
Contractual Care	<u>\$0</u>	<u>(\$1,323,990)</u>	<u>(\$72,241)</u>
<u>Total Cost - DSS</u>	<u>\$0</u>	<u>(\$1,605,963)</u>	<u>(\$1,618,726)</u>
FTE Change - DSS	0 FTE	24.8 FTE	29.9 FTE
ESTIMATED NET EFFECT ON FEDERAL FUNDS	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Estimated Net FTE Change on Federal Funds	0 FTE	24.8 FTE	29.9 FTE

FISCAL IMPACT - State Government
 (continued)
CAPITAL IMPROVEMENTS FUND

	FY 2016 (10 Mo.)	FY 2017	FY 2018
<u>Cost</u> - for new construction/renovation to accommodate DSS/DYS	<u>(\$10,040,000)</u>	<u>\$0</u>	<u>\$0</u>

ESTIMATED NET EFFECT OF CAPITAL IMPROVEMENTS FUND	<u>(\$10,040,000)</u>	<u>\$0</u>	<u>\$0</u>
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STATE FACILITIES MAINTENANCE OPERATIONS FUND (SFMOF)

Costs - FMDC

Personal Service	\$0	(\$78,635)	(\$138,595)
Fringe Benefits	\$0	(\$40,108)	(\$70,690)
Equipment and Expense	<u>\$0</u>	<u>(\$134,639)</u>	<u>(\$422,618)</u>
<u>Total Costs - FMDC</u>	<u>\$0</u>	<u>(\$253,382)</u>	<u>(\$631,903)</u>
FTE Change - FMDC	0 FTE	2 FTE	4 FTE

ESTIMATED NET EFFECT ON SFMOF	<u>\$0</u>	<u>(\$253,382)</u>	<u>(\$631,903)</u>
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Estimated Net FTE Change for SFMOF	0 FTE	2 FTE	4 FTE
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<u>FISCAL IMPACT - Local Government</u>	FY 2016 (10 Mo.)	FY 2017	FY 2018
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

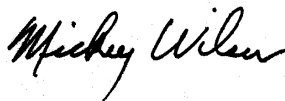
This bill redefines the term "child" to include any person under 18 years of age and redefines the term "adult" to mean any person 18 years of age or older. The bill repeals the definition of a "status offense."

FISCAL DESCRIPTION (continued)

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

SOURCES OF INFORMATION

Department of Mental Health
Department of Public Safety
 Missouri Highway Patrol
Office of Prosecution Services
Office of Administration
 Facilities Management, Design and Construction
Office of the State Public Defender
Department of Corrections
Department of Social Services
 Division of Youth Services
 Division of Legal Services
 Children's Division
Office of the State Courts Administrator



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February 9, 2015

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February 9, 2015