

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 1589-02  
Bill No.: HB 708  
Subject: Children and Minors; Courts; Juveniles; Courts; Prisons and Jails  
Type: Original  
Date: April 21, 2015

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Bill Summary: This proposal prohibits juveniles certified as adults to stand trial to be detained in an adult jail prior to sentencing or disposition of the case.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
<b>Total Estimated Net Effect on General Revenue</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 6 pages.

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

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
<b>FUND AFFECTED</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

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

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>
<b>Local Government</b>	<b>\$0 or (Unknown)</b>	<b>\$0 or (Unknown)</b>	<b>\$0 or (Unknown)</b>

## FISCAL ANALYSIS

### ASSUMPTION

Officials from the **Office of the State Courts Administrator (OSCA)** state the proposed legislation prohibits juveniles certified as adults to stand trial to be detained in an adult jail prior to sentencing or disposition of the case.

While it is not possible to quantify the impact of this change exactly, there should not be any significant impact. Policies and procedures would have to be modified, but we do have the bed space in most circuits as well as the staffing ratio. There are some smaller circuits that would not be able to handle the youth based on layout of the facility or type of staff they have trained. There will possibly be some cost with housing older violent offenders with younger juvenile offenders. Certified youth may be 17-18-19 years old before sentencing and possibly older.

Officials from the **Department of Social Services**, the **Office of Prosecution Services**, the **Department of Corrections**, and the **Office of the State Public Defender** each assume the proposal would not fiscally impact their respective agencies.

Officials from **St. Charles County** assert that any requirement by the state to detain certified juveniles in county juvenile detention facilities would be a new mandated activity and, therefore, the state would be required to appropriate and pay the county for all costs.

St. Charles estimates that the annual cost to detain certified juveniles, who would otherwise be held in jail or other adult detention facility, in the St. Charles County Juvenile Detention Facility pending disposition of their cases is as follows:

St. Charles County currently has contracts to detain juveniles from the 12th, 20th, and 45th circuits. The ability of St. Charles County to continue contracted services for other circuits would need to be reviewed.

St. Charles County estimates having (10) ten certified juveniles in detention each month.

St. Charles County's current juvenile detention facility is constructed in a manner that provides current detained juveniles a common day space serving as a classroom, cafeteria and program area which allows the juveniles to have a great deal of verbal and visual contact with each other.

ASSUMPTION (continued)

To accommodate certified juveniles who have histories of more serious law violations, greater criminal sophistication, longer stays in detention due to lengthy criminal case proceedings, and pose a higher risk to the safety of other youth and staff, would require St. Charles County to build a separate, secure facility for the ten certified juveniles.

Based on Missouri Supreme Court standards, a very conservative estimate of the building costs are:

- Site planning and permits, etc. \$300,000
- 10 juvenile x 70 sq. feet per juvenile x \$261 per sq ft. \$182,700
- 100 sq. feet for an "indoor activity area" x \$261 per sq. ft. \$261,000
- Estimated cost of a new secure detention facility \$743,700

Based on certified juveniles having the most extensive needs and presenting a higher risk will require a higher level of supervision. In addition to full-time staff, a roster of part-time staff is required to accommodate staffing of a 24/7 facility. We estimate staffing costs for a separate secured facility as follows:

- Six full-time staff salaries and benefits \$388,440
- Part-time staff hourly \$232,603
- Overtime expenses \$ 34,593
- Total Staffing: \$655,636

Officials from numerous other counties did not respond to **Oversight's** request for fiscal impact. Oversight assumes this proposal could increase the number of juveniles held in juvenile detention facilities instead of in county jails. Based upon the quantity, Oversight assumes this could create a fiscal impact to some counties for additional bed space in their juvenile detention facilities. Based also on OSCA's assessment that there is bed space is available in most circuits, but some would not be able to handle the additional youth, Oversight will reflect the potential costs as \$0 to an Unknown amount.

<u>FISCAL IMPACT - State Government</u>	FY 2016 (10 Mo.)	FY 2017	FY 2018
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2016 (10 Mo.)	FY 2017	FY 2018
<b>LOCAL POLITICAL SUBDIVISIONS</b>			
<u>Costs</u> - counties - potential for additional resources needed for juvenile detention	\$0 or <u>(Unknown)</u>	\$0 or <u>(Unknown)</u>	\$0 or <u>(Unknown)</u>
<b>ESTIMATED NET EFFECT TO LOCAL POLITICAL SUBDIVISIONS</b>	<b>\$0 or <u>(Unknown)</u></b>	<b>\$0 or <u>(Unknown)</u></b>	<b>\$0 or <u>(Unknown)</u></b>

FISCAL IMPACT - Small Business

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

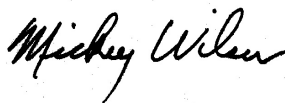
FISCAL DESCRIPTION

This bill specifies that when a juvenile is certified to stand trial as an adult he or she must be detained in a juvenile facility adhering to the current Missouri juvenile detention standards and may not be held in a jail or other adult detention facility prior to the disposition of his or her case.

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 the State Courts Administrator  
Department of Corrections  
Office of Prosecution Services  
Office of the State Public Defender  
Department of Social Services  
St. Charles County



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