

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 4925-01  
Bill No.: HB 1641  
Subject: Children and Minors; Courts; Courts, Juvenile; Youth Services, Division of  
Type: Original  
Date: March 23, 2016

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Bill Summary: This proposal modifies provisions relating to the detention of persons under the age of seventeen in adult facilities.

**FISCAL SUMMARY**

| <b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>  |                  |                  |                  |
|--|------------------|------------------|------------------|
| FUND AFFECTED  | FY 2017          | FY 2018          | FY 2019          |
| General Revenue                                      | (Unknown)        | (Unknown)        | (Unknown)        |
| <b>Total Estimated Net Effect on General Revenue</b> | <b>(Unknown)</b> | <b>(Unknown)</b> | <b>(Unknown)</b> |

| <b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>              |            |            |            |
|---|------------|------------|------------|
| FUND AFFECTED   | FY 2017    | FY 2018    | FY 2019    |
|   |            |            |            |
|   |            |            |            |
| <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 5 pages.

| <b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>                  |                |                |                |
|---|----------------|----------------|----------------|
| <b>FUND AFFECTED</b>  | <b>FY 2017</b> | <b>FY 2018</b> | <b>FY 2019</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 2017</b> | <b>FY 2018</b> | <b>FY 2019</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 2017</b>                           | <b>FY 2018</b>                             | <b>FY 2019</b>                             |
| <b>Local Government</b>                    | <b>(Unknown, greater than \$681,118)</b> | <b>(Unknown, greater than \$1,483,000)</b> | <b>(Unknown, greater than \$1,551,376)</b> |

## FISCAL ANALYSIS

### ASSUMPTION

Officials at the **Office of the State Courts Administrator** assume the proposed legislation modifies the provisions relating to the detention of persons under the age of seventeen in adult facilities. The standards for the operation of a secure detention facility require the administration to provide educational, recreational, medical and mental health services to the juveniles detained in their center. In addition, the administration would be responsible for providing additional training to staff in order to effectively process and monitor certified youth. Policies and procedures would have to be modified.

The proposed legislation would result in an increased juvenile detention population of certified youth. This increase would require the county in which the detention center resides to provide for additional services for those detained and additional training for employees. 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 offenders. Accordingly, the impact of this change is unknown.

Officials at **St. Louis County** assume the following costs:

| <u>Year</u> | <u>Projected Number of Youth Certified</u> | <u>Avg Number Days to 17<sup>th</sup> Birthday</u> | <u>Total Days</u> | <u>Projected Detention Costs At \$378 per Day</u> |
|-------------|--|--|-------------------|---|
| 2017        | 16   | 225.24   | 3,604             | \$1,362,236                                       |
| 2018        | 17   | 230.78   | 3,923             | \$1,483,000                                       |
| 2019        | 18   | 228.01   | 4,104             | \$1,551,376                                       |

**Oversight** assumes that multiple counties will be affected from this proposal. Therefore, Oversight will assume unknown costs greater than the amounts listed from St. Louis County for this proposal. Oversight also assumes the provisions from this proposal will not take effect until January 1, 2017. Therefore, Oversight will show 6 months of cost in FY 2017.

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

Officials at **Boone County** assume no fiscal impact from this proposal.

ASSUMPTION (continued)

Officials at the following counties: Andrew, Atchison, Audrain, Barry, Bollinger, Buchanan, Callaway, Camden, Cape Girardeau, Carroll, Cass, Christian, Clay, Cole, Cooper, DeKalb, Dent, Franklin, Greene, Holt, Jackson, Jasper, Jefferson, Johnson, Knox, Laclede, Lawrence, Lincoln, Maries, Marion, McDonald, Miller, Mississippi, Moniteau, Monroe, Montgomery, New Madrid, Nodaway, Ozark, Perry, Pettis, Phelps, Platte, Pulaski, Scott, Shelby, St. Charles, St. Francois, Taney, Warren, Wayne and Worth did not respond to **Oversight's** request for fiscal impact.

|   |                    |         |         |
|---|--------------------|---------|---------|
| <u>FISCAL IMPACT - State Government</u> | FY 2017<br>(6 Mo.) | FY 2018 | FY 2019 |
|---|--------------------|---------|---------|

**GENERAL REVENUE**

|  |                  |                  |                  |
|--|------------------|------------------|------------------|
| <u>Cost - Office of State Courts<br/>Administrator - increase in juvenile<br/>detention population</u> | <u>(Unknown)</u> | <u>(Unknown)</u> | <u>(Unknown)</u> |
|--|------------------|------------------|------------------|

|  |                         |                         |                         |
|--|-------------------------|-------------------------|-------------------------|
| <b>ESTIMATED NET EFFECT ON<br/>GENERAL REVENUE</b> | <b><u>(Unknown)</u></b> | <b><u>(Unknown)</u></b> | <b><u>(Unknown)</u></b> |
|--|-------------------------|-------------------------|-------------------------|

|   |                    |         |         |
|---|--------------------|---------|---------|
| <u>FISCAL IMPACT - Local Government</u> | FY 2017<br>(6 Mo.) | FY 2018 | FY 2019 |
|---|--------------------|---------|---------|

**LOCAL POLITICAL SUBDIVISIONS**

|   |   |   |   |
|---|---|---|---|
| <u>Cost - Counties - increase in detention<br/>costs for juvenile offenders</u> | (Unknown,<br>greater than<br><u>\$681,118</u> ) | (Unknown,<br>greater than<br><u>\$1,483,000</u> ) | (Unknown,<br>greater than<br><u>\$1,551,376</u> ) |
|---|---|---|---|

|   |   |   |   |
|---|---|---|---|
| <b>ESTIMATED NET EFFECT ON<br/>LOCAL POLITICAL SUBDIVISIONS</b> | <b>(Unknown,<br/>greater than<br/><u>\$681,118</u>)</b> | <b>(Unknown,<br/>greater than<br/><u>\$1,483,000</u>)</b> | <b>(Unknown,<br/>greater than<br/><u>\$1,551,376</u>)</b> |
|---|---|---|---|

FISCAL IMPACT - Small Business

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

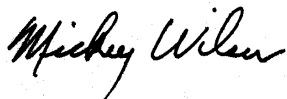
### FISCAL DESCRIPTION

Under current law, any child under the age of 17 who has been certified as an adult may be detained in an adult jail prior to trial. This act prohibits the detention of any child certified as an adult in an adult jail until the child has been sentenced or turns 17 years of age. Instead, the child must be detained in a juvenile facility that adheres to current state standards. These provisions take effect January 1, 2017. This act requires the Division of Youth Services in collaboration with the Office of State Courts Administrator to establish a task force to make recommendations on the system and process design to be used to divert children who have been certified as adults from adult jails by January 1, 2017. In addition, any child certified as an adult on or after August 28, 2016 who is under 17 years of age and being held prior to the disposition of his or her case must be detained in a juvenile detention facility that adheres to current state juvenile detention standards.

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  
St. Louis County  
Office of the State Public Defender  
Office of Prosecution Services  
Department of Social Services  
Department of Mental Health  
Department of Corrections  
Department of Public Safety  
Missouri Highway Patrol  
Boone County



Mickey Wilson, CPA  
Director  
March 23, 2016

Ross Strope  
Assistant Director  
March 23, 2016