

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0966-01
Bill No.: HB 572
Subject: Courts; Juvenile Courts
Type: # Updated
Date: May 4, 2005

Updated to reflect revised Department of Social Services and Department of Corrections responses.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
# General Revenue	(\$792,377 to More than \$21,252,917)	(More than \$839,126)	(\$863,018 to More than \$2,603,219)
# Total Estimated Net Effect on General Revenue Fund	(\$792,377 to More than \$21,252,917)	(More than \$839,126)	(\$863,018 to More than \$2,603,219)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 9 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Public Safety – Missouri State Highway Patrol** assume the proposal would have no fiscal impact on their agency.

Officials from the **Office of Prosecution Services** assume the proposal would not have a significant direct fiscal impact on county prosecutors.

Officials from the **Office of State Courts Administrator (CTS)** assume the proposal would provide for juvenile court jurisdiction termination at age 18, rather than the present age of 17. While it is not possible to quantify the impact of this change exactly, CTS assumes it would be significant.

In CY 2000, there were 11,807 high school dropouts in Missouri. The majority of dropouts are ages 16 and 17. In CY 1999, there were 72.4 juvenile law violation referrals per 1,000 juveniles ages 10-17. Even if one-half of these 11,807 dropouts were referred to juvenile court, there would be approximately 5,900 additional juveniles in the juvenile court system, requiring a high level of custodial care and treatment.

CTS assumes the cost of this proposal would exceed \$100,000 per year.

ASSUMPTION (continued)

Officials from the **Department of Social Services – Division of Youth Services (DYS)** assume, based on data provided by the Department of Corrections (DOC), 574 youth under age 18 were assigned to the DOC in 2004. Fifty youth under age 18 were placed in DOC facilities for the term of their sentence. It is estimated that six or fewer of those youth were under age 17 when they were placed in the DOC.

Youth Under Age 18 Committed to DOC in 2004	Youth placed in DOC Facilities Under Age 18	Youth Placed on Probation	
		Under 17	Age 17 - 18
574	96	17	461

DYS assumes the 96 youth under the age of 18 currently placed in the DOC would have been certified as adults and transferred to a court of general jurisdiction even if this bill were not in effect. Thus, those youth would not have been assigned to the DYS, and are not included in this fiscal estimate.

Of the 478 youth placed on probation, approximately 17 were under age 17. The remaining 461 youth under age 18 is the population targeted by this fiscal impact estimate.

All 461 youth predicted to be committed to the DYS would require case management services. Case managers maintain a caseload of approximately 25 youth. Therefore, DYS estimates an additional 18 FTE Case Managers will be needed to maintain the desired ratio ($461 / 25 = 18$). DYS assumes the additional FTE would not be required until FY 2009, allowing for three years to build the facilities.

It is the pattern of the DYS to assign 88% of the youth committed to its care to residential care for treatment. Youth placed in secure care residential facilities have a nine-month average length of stay.

$.88 \times 461$ youth projected to be assigned to DYS = 406 requiring residential care

406 youth $\times .75$ (9 month average length of stay) = 304 needed bed spaces

ASSUMPTION (continued)

The DYS anticipates the need for ten 30-bed secure care sites to house the approximately 304 additional youth. DYS estimates the cost of these facilities to be \$68,201,800 in FY 06. DYS assumes it would require a minimum of three years to adequately build the capacity to serve this population. Therefore, the FTE to staff the facilities would not be required until FY 2009. DYS would require equipment and expenses of \$5,772,368 in FY 2007.

DYS notes the burden of proof in a court of general jurisdiction is greater than that of the juvenile and family court. Thus, the actual number of seventeen-year-old youth who may be committed to the DYS by the juvenile court could be greater.

Officials from the **Department of Social Services – Division of Youth Services (DYS)** assume, based on data provided by the Department of Corrections (DOC), 485 youth under age 18 were assigned to the DOC in 2004. Fifty youth under age 18 were placed in DOC facilities for the term of their sentence. It is estimated that six or fewer of those youth were under age 17 when they were placed in the DOC.

Youth Under Age 18 Committed to DOC in 2004	Youth placed in DOC Facilities Under Age 18	Youth Placed on Probation Under Age 18
# 485	# 69	# 416

DYS assumes the 69 youth under the age of 18 currently placed in the DOC would have been certified as adults and transferred to a court of general jurisdiction even if this bill were not in effect. Thus, those youth would not have been assigned to the DYS, and are not included in this fiscal estimate.

The 416 youth under age 18 and placed on probation is the population targeted by this fiscal impact estimate.

All 416 youth predicted to be committed to the DYS would require case management services. Case managers maintain a caseload of approximately 25 youth. Therefore, DYS estimates an additional 16 FTE Case Managers will be needed to maintain the desired ratio ($416 / 25 = 16$).

It is anticipated the DYS would assign 67% of the youth committed to its care to residential care for treatment. Youth placed in secure care residential facilities have a nine-month average length of stay.

ASSUMPTION (continued)

$.67 \times 416$ youth projected to be assigned to DYS = 280 requiring residential care

$280 \text{ youth} \times .75$ (9 month average length of stay) = 210 needed bed spaces

The DYS anticipates the need for seven 30-bed secure care sites to house the approximately 210 additional youth. DYS estimates the cost of these facilities to be \$68,201,800 in FY 06. DYS assumes it would require a minimum of three years to adequately build the capacity to serve this population. Therefore, the FTE to staff the facilities would not be required until FY 2009. DYS would require equipment and expenses of \$47,741,260 in FY 2007.

Approximately 33% of these commitments are expected to receive community-based services. Youth are serviced through community-based supervision and day treatment programs for a minimum of four months. The minimum increase in the daily community supervision caseload of DYS service coordinators would be 16 youth.

DYS notes the burden of proof in a court of general jurisdiction is greater than that of the juvenile and family court. Thus, the actual number of seventeen-year-old youth who may be committed to the DYS by the juvenile court could be greater.

Oversight assumes, based on data received from the Department of Corrections (DOC), the Department of Social Services (DOS) – Division of Youth Services (DYS) would experience an increase of 455 youth (416 currently on probation + 39 incarcerated on class C and D felony convictions) that are currently sentenced to the custody of the DOC. Oversight also assumes, based on information received from DOS, the DYS served 2,127 youth in FY 04 in a total of 726 beds. The average stay of youth in DYS facilities is 4 months ($2,127 \text{ youth} / 726 \text{ beds} = 3 \text{ youth per bed per year}$ or an average stay of 4 months).

Oversight calculates the needed bed spaces and facilities as follows:

$.67 \times 455$ youth projected to be assigned to DYS = 305 requiring residential care

$305 \text{ youth} \times .33$ (4 month average length of stay) = 100 needed bed spaces

$100 \text{ bed spaces} / 30 \text{ beds per unit} = 3 \text{ secure facilities} \times \$6,820,180 \text{ per facilities} = \$20,460,540$

ASSUMPTION (continued)

Oversight assumes DOS – DYS would incur the cost of building the three facilities in FY 06; thus, the fiscal note is reflecting the maximum cost in FY 06. In addition, DYS would incur equipment expenses associated with the new facilities in FY 08. The staff costs for the new facilities would not be incurred until FY 09.

Oversight assumes DYS could elect to begin construction on one facility per year; however, the fiscal note is based on the assumption that construction would commence on all three facilities in FY 06. Oversight notes the fiscal note reflects construction of highly secure facilities. If DYS determines that moderately secure facilities could meet the needs of the new population, the construction costs may be less than the reflected costs. Oversight notes the fiscal note does not consider the possibility of updating or increasing current DYS facilities.

Oversight assumes DYS would incur the cost of the additional 18 FTE Service Coordinators (455 youth / 25 youth cases per FTE) and 4 FTE Office Support Assistants beginning in FY 06, to correspond with the savings for the reduced number of youth sentenced to DOC.

Oversight assumes, based on information received from DYS, that DYS has the ability to provide only certain services to 17-year old youth. Therefore, Oversight has ranged the cost to reflect providing only case management services up to the cost of providing highly secure residential care.

Officials from the **Department of Corrections** and the **Office of the State Public Defender** did not respond to Oversight's request for fiscal impact.

Oversight assumes Department of Corrections (DOC) would experience a savings because they would not be providing incarceration/probation services to the offenders who would now be under the jurisdiction of the DYS. Eight (8) persons incarcerated to the DOC per fiscal year would exceed \$100,000 annually. Therefore, Oversight assumes the savings would be more than \$100,000 per year.

Officials from the **Department of Corrections (DOC)** assume this proposal changes the definition of adult and child in chapter 211 so that a child is now a person under eighteen years of age and an adult is now a person eighteen years of age or older.

ASSUMPTION (continued)

The DOC receives approximately 69 individuals per year who would now be defined as a child pursuant to this proposal. Approximately 30 of these individuals are convicted of A and B felonies. The DOC assumes that these individuals, due to the serious nature of their crimes, would be certified as adults and sentenced to DOC's custody. The remaining 39 were convicted of C and D felonies and the DOC anticipates that these individuals would be sentenced to the custody of DYS thus generating savings to DOC. DOC estimates the incarceration savings to be \$182,920 per fiscal year.

The DOC receives approximately 456 individuals per year for community supervision who would now be defined as a child pursuant to this proposal. Approximately 40 of these individuals are convicted of A and B felonies. The DOC assumes that these individuals, due to the serious nature of their crimes would be certified as adults and sentenced to DOC's custody. The remaining 416 were convicted of C and D felonies and the DOC anticipates that these individuals would be sentenced to the custody of DYS. This would result in a savings of 6.5 FTE community supervision officers, each at \$24,980 per year (456 fewer cases / 70 cases per officer). DOC estimates the community supervision savings to be \$231,630 per year.

In summary, DOC estimates the total savings to be \$414,550 per year (\$182,920 incarceration savings + \$231,630 community supervision savings).

Oversight has based the savings to the DOC on 416 fewer community supervision cases per year (456 fewer cases – 40 cases assumed to be certified as adults and remain in DOC's custody). This would result in 6 fewer FTE officers (416 fewer cases / 70 cases per officer). Oversight has prorated the FY 06 savings to reflect 10 months.

<u>FISCAL IMPACT - State Government</u>	FY 2006 (10 Mo.)	FY 2007	FY 2008
GENERAL REVENUE FUND			
# <u>Savings</u> – Department of Corrections			
# Incarceration savings	\$152,433	\$182,920	\$182,920
# Community supervision savings:			
# Personal Service (6 FTE)	\$128,023	\$157,468	\$161,404
# Fringe Benefits	<u>\$54,615</u>	<u>\$67,176</u>	<u>\$68,855</u>
# <u>Total Savings</u> – DOC	\$335,071	\$407,564	\$413,179
# <u>Costs</u> – Department of Social Services			
# Personal Service (22 FTE)	(\$557,928)	(\$686,251)	(\$703,408)
# Fringe Benefits	(\$238,012)	(\$292,755)	(\$300,074)
# Equipment and Expense	(\$231,508)	(\$167,684)	(\$172,715)
# New Facilities	\$0 to <u>(\$20,460,540)</u>	\$0	\$0 to <u>(\$1,740,201)</u>
# <u>Total Costs</u> – DOS	(\$1,027,448 to \$21,487,988)	(\$1,146,690)	(\$1,176,197 to \$2,916,398)
# <u>Costs</u> – Office of State Courts Administrator			
Increased court cases	(More than <u>\$100,000</u>)	(More than <u>\$100,000</u>)	(More than <u>\$100,000</u>)
# ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
	<u>(\$792,377 to More than \$21,252,917)</u>	<u>(More than \$839,126)</u>	<u>(\$863,018 to More than \$2,603,219)</u>
 <u>FISCAL IMPACT - Local Government</u>			
	FY 2006 (10 Mo.)	FY 2007	FY 2008
	<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.

DESCRIPTION

Currently, in Chapter 211, RSMo, pertaining to juvenile courts, an “adult” is defined as a person 17 years of age or older and a “child” is defined as an individual under 17 years of age. The proposed legislation would change the age to 18 in both definitions.

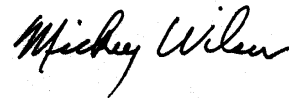
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of State Courts Administrator
Department of Corrections
Department of Social Services
Department of Public Safety
– Missouri State Highway Patrol
Office of Prosecution Services

NOT RESPONDING

Office of the State Public Defender



Mickey Wilson, CPA
Director
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