

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0940-03
Bill No.: HCS for HB 274
Subject: Children and Minors; Courts
Type: Original
Date: April 17, 2017

Bill Summary: This proposal requires children under the age of 18 to be prosecuted for most criminal offenses in juvenile courts unless the child is certified as an adult.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND				
FUND AFFECTED	FY 2018	FY 2019	FY 2020	Fully Implemented (FY 2025)
General Revenue	\$0	\$0	(\$6,117,107)	(\$9,204,385)
Total Estimated Net Effect on General Revenue	\$0	\$0	(\$6,117,107)	(\$9,204,385)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS				
FUND AFFECTED	FY 2018	FY 2019	FY 2020	Fully Implemented (FY 2025)
Other State Funds	\$0	\$0	(\$518,028)	(\$1,093,110)
Capital Improvement	(\$8,353,302)	\$0	\$0	\$0
State Facilities Main	\$0	\$0	(\$52,458)	(\$373,183)
Total Estimated Net Effect on Other State Funds	(\$8,353,302)	\$0	(\$570,486)	(\$1,466,293)

Numbers within parentheses: () indicate costs or losses. This fiscal note contains 22 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS				
FUND AFFECTED	FY 2018	FY 2019	FY 2020	Fully Implemented (FY 2025)
Federal*	\$0	\$0	\$0	\$0
Total Estimated Net Effect on All Federal Funds	\$0	\$0	\$0	\$0

*Distribution increases (decreases) net to zero.

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)				
FUND AFFECTED	FY 2018	FY 2019	FY 2020	Fully Implemented (FY 2025)
General Revenue	0 FTE	0 FTE	88 FTE	141 FTE
Other State Funds	0 FTE	0 FTE	12 FTE	16 FTE
Federal Funds	0 FTE	0 FTE	4.2 FTE	6 FTE
State Facilities Main	0 FTE	0 FTE	.8 FTE	3 FTE
Total Estimated Net Effect on FTE	0 FTE	0 FTE	105 FTE	166 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 2018	FY 2019	FY 2020	Fully Implemented (FY 2025)
Local Government	\$0	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials at the **Office of Administration's Facilities Management, Design and Construction (FMDC)** assume this legislation will affect the FMDC's Capital Improvement and Operating Budget. To accommodate Social Services, Youth Services' projection of additional youths to their program this will require OA-FMDC to construction 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.

New Construction will include (3-yr time frame - completion FY2021)

- 24 bed Moderate facility - St. Louis - with cafeteria/gymnasium **\$4,375,302**
- 12 bed Moderate facility - Kansas City - with cafeteria/gymnasium **\$2,958,000**

Renovation will include (2-yr time frame - completion FY2020)

- Expand Northwest Regional Center - with a new 27 beds dorm and new classroom over a three-year period - **\$1,020,000**

Total construction cost for new youth center and renovation to existing sites. Actual needs to be determined, 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. This legislation will require a New Decision Item in the Capital Improvement Budget in FY2018.

TOTAL CONSTRUCTION COST = \$8,353,302 (\$4,375,302 + \$2,958,000 + \$1,020,000)

Day-to-Day Maintenance and Operating cost for Fiscal Year 2020 occupancy of new expansion at Northwest Regional Youth Campus:

Maintenance Worker II = 1 FTE - \$30,175

Fringe Benefits = \$18,546

Day-to-Day E&E/F&U = \$16,042

TOTAL Day-to-Day cost 2020 = \$64,763 for HB13

Day-to-Day Maintenance and Operating cost include for FY2021 occupancy of new construction sites within St. Louis & Kansas City area:

Maintenance Worker II = 2 FTE - \$60,953

Maint Supv II = 2 FTE - \$80,363

Fringe Benefits = \$79,811

One-Time Startup Maintenance Equipment = \$209,194

One-Time Ofc Computer/Monitor/chairs, etc. = \$20,412

Day-to-Day E&E/F&U = \$203,098

ASSUMPTION (continued)

TOTAL Day-to-Day cost for 2021 = \$653,831 for HB13.

Officials at the **Department of Social Services (DSS)** assume HCS for HB 274 amends eighteen sections and modifies the definitions of "adult" and "child" for the purposes of Chapter 211 RSMo. Presently, a person seventeen years of age and older is considered an adult and not a child for the purposes of the Juvenile Code. 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.

Section 211.021 is amended to change the definition of an adult from a person seventeen years of age or older to a person eighteen years of age or older. The definition of a child is modified from a person under 17 years of age to a person under 18 years of age. Subsection 2 of Section 211.021 is deleted. This deletion allows the amendments to become effective on January 1, 2020, as provided for in Section B.

Section 211.031 is amended to provide juvenile jurisdiction over children up to eighteen years of age. As a result of the change in the definition of child, Section 211.031.1(2) will now extend jurisdiction for status offenders up to the age of eighteen. In addition, Section 211.031.1(3) will now extend juvenile jurisdiction over delinquent youth until they attain the age of eighteen. Similar changes are made through this section and other sections so that it is clear that juvenile jurisdiction is extended for children up to eighteen years of age.

Section 211.032 is amended to reflect the change in the definition of the word "child". Accordingly, the phrase "or person seventeen years of age" is deleted from this section.

Sections 211.033 is amended to provide that no persons under the age of eighteen years, except those transferred to the court of general jurisdiction under the provisions of section 211.071, shall be detained in a jail or other adult detention facility as that term is defined in section 211.151. A traffic court judge may request the juvenile court to order the commitment of a person under the age of eighteen to a juvenile detention facility. Subsection 3 is deleted to conform with the deletion of Subsection 2 of Section 211.021.

Section 211.041 is amended to provide as follows: "Every child over whose person the juvenile court retains jurisdiction shall be prosecuted under the general law for any violation of a state law or of a municipal ordinance which he or she commits after he or she becomes eighteen years of age."

Section 211.061 is amended by replacing the word "him" with "the child" and by replacing "seventeen" with "eighteen".

ASSUMPTION (continued)

Section 211.071 is amended to allow for certification of juveniles between the ages of twelve and eighteen. It also provides that: "Upon apprehension and arrest, jurisdiction over the criminal offense allegedly committed by any person between eighteen and twenty-one years of age over whom the juvenile court has retained continuing jurisdiction shall automatically terminate and that offense shall be dealt with in the court of general jurisdiction as provided in section 211.041."

Section 211.073 is amended to provide that an offender who is under the age of eighteen and who has been certified to stand trial as an adult may receive both an adult sentence and a juvenile disposition. When an offender, who has been sentenced under this dual jurisdiction statute, reaches the age of eighteen, the court is required to hold a hearing in order to review the offender's commitment to DYS.

The changes in Sections 211.081, 211.091, 211.101, 211.161, 211.181, 211.321, 211.421, 211.425, 211.431, and 221.044 correspond to and are consistent with the changes previously addressed relating to the definitions of adult and child.

There is an effective date of January 1, 2020.

Division of Legal Services (DLS)

The proposed legislation will have a fiscal impact on the Division of Legal Services (DLS) beginning on January 1, 2020. The Division of Legal Services provides legal advice and representation to both the Division of Youth Services (DYS) and the Children's Division (CD). The impact on the Children's Division will not result in the need for any significant increase in the need for legal representation other than what it currently requires. However, the Division of Legal Services can anticipate a significant increase in the number of case referrals from the Division of Youth Services relating to motions to extend jurisdiction for youth when they reach the age of eighteen.

Extending the age of jurisdiction over delinquent youth to the age of eighteen may result in an increased number of youth committed to the custody of the Division of Youth Services, beginning on January 1, 2020. This will result in an increased future need for legal advice and assistance from the Division of Legal Services.

Current projections by DYS indicate that it could receive approximately 339 new traditionally committed seventeen-year-old youth needing DYS' services on a yearly basis. A certain percentage of these youth will require residential placement. Although some of these 339 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 Division of Legal Services for motions to extend jurisdiction

ASSUMPTION (continued)

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 Division of Legal Services 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 a future need for approximately 3,000 hours of attorney time. Based upon 2040 work hours per attorney on a yearly basis, this will result in a need for approximately 2 new FTEs for the Division of Legal Services beginning on January 1, 2020.

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 Children's Division 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. Section 211.031.1(2) will now extend juvenile jurisdiction over children seventeen years old: (a) who are subject to compulsory school attendance and who are repeatedly and without justification absent from school; or (b) who disobey the reasonable and lawful directions of his or her parents or other custodian and is beyond their control; (c) who are habitually absent from his or her home without sufficient cause, permission, or justification; (d) whose behavior or associations are otherwise injurious to his or her welfare or to the welfare of others; and (e) who are "charged with an offense not classified as criminal". This legislation should not have substantial fiscal impact on the Children's Division and will not require the Division of Legal Services to provide increased representation to CD.

ASSUMPTION (continued)

DLS defers to CD and DYS for the analysis of the fiscal cost on each agency.

Children's Division (CD)

The CD does not anticipate an impact from this legislation.

DYS

HCS for HB 274 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. DYS makes the assumption that the intention in Section 211.071 was to raise the age for juvenile certifications to eighteen. Given this assumption enactment of this will increase the number of juveniles certified to stand trial as an adult as it will add a seventeen year old cohort of youth to the pool of eligibility. An increase in youth involved in juvenile court and those certified as adults will lead to an increase in traditional Division of Youth Services' (DYS) commitments and the dual jurisdiction commitments served by the division. HCS for HB 274, if enacted, would take effect beginning in January 2020.

Impact

The Division of Youth Services (DYS) assumes that raising the age of criminal majority to eighteen will likely result in 335 new traditionally committed youth as well as 4 new dual jurisdiction youth committed to DYS per year. The division anticipates a fiscal impact in FY 20 of \$2,180,944, FY 21 of \$6,426,065, and will be fully implemented in FY22 for a total cost of \$6,613,212 (including one-time costs and all staff). Note that this could be delayed depending on when the facilities are ready and other factors.

RESIDENTIAL TREATMENT

Traditional Commitments

DYS anticipates no fewer than 335 new traditionally committed youth per year from the juvenile court system as a result of this legislation. This assumption is based on SFY 2016 data of 16 year old youth committed as well as data received from the Department of Corrections. This data is thought to be representative of a new baseline in juvenile justice as varying initiatives and diversion programs have worked to reduce the number of youth penetrating the deep-end of the juvenile justice system. The division would require an additional 122 beds to serve this new population. The projected additional beds were arrived at through the following methodology:

DATA

- 2,221 average youth served/FY 16
- 1,356 average youth served in the DYS at a given point in time FY16 or 61.05% of 2,221

ASSUMPTION (continued)

- 653 average youth in DYS residential care at a given point in time FY16 or 48.16% of 1,356

PROJECTION

- $2,221 + 335$ new youth = 2,556 youth projected to be served per year
- $2,556 \times 61.05\%$ = 1,561 youth to be served at a given point in time
- $1,561 \times 48.16\%$ = 752 youth in residential care at a given point in time

752 youth projected in residential care - 630 (currently the overflow of traditionally committed youth are utilizing existing dual jurisdiction designated beds which will be needed for dual jurisdiction under the new language) existing bed spaces for traditionally committed youth = 122 additional beds for the new traditionally committed youth.

Dual Jurisdiction Commitments

Information received from the Department of Corrections indicates that in FY16, forty-two (42) violent offenders aged 17 at the time of the offense entered the Department. Given the proposed change to the criteria for certification eligibility, the additional 42 listed above would represent the new candidate pool for certification eligibility. The division assumes 33% would be certified to adult court. This results in 14 additional certified youth bringing the projected total to 64 (see Data below). 64 multiplied by 30%, the current percentage of certifications resulting in orders for dual jurisdiction assessment, projects a new assessment total of 19. In SFY 16, those dual jurisdiction assessments resulted in commitments 80% of the time. Applying this methodology 19 ordered assessments would result in a total of 16 total dual jurisdiction commitments for the year with average lengths of stay anticipated to be three years. This represents 4 new dual jurisdiction youth committed each year with three year lengths of stay.

DATA

- 50 youth certified - FY16 (most recent data available)
- 15 dual jurisdictions assessments ordered SFY 16 or 30% of certified youth
- 12 youth from SFY 16 ordered assessments accepted and committed to dual jurisdiction or 80%

PROJECTION

50 certifications FY16
+ 14 new certifications (42 new 17 yr old candidates X 33% assumed certification rate) = 64 projected youth certified under this proposal

- $64 \times 30\%$ (rate of assessments ordered) = 19 dual jurisdiction assessments ordered

ASSUMPTION (continued)

- 19 x 80% = 16 youth accepted and committed to dual jurisdiction
- 16 - 12 that would have come to the division in the existing structure = 4 additional dual jurisdiction youth committed to DYS/year

The division has forty beds designated for service to dual jurisdiction youth. Twenty-four of those beds are occupied by dual jurisdiction youth committed under the existing law with average lengths of stay at four years. Under this proposal it is anticipated that the average age of a dual jurisdiction commitment will increase causing the average length of stay of the new population to decrease to 3 years. The additional 4 youth per year with a 3 year average length of stay would lead to a need of 54 dual jurisdiction secure beds at the peak of the cycle in SFY 22. In SFY 23, the final 6 dual jurisdiction youth with a 4 year average length of stay will exit. 48 dual jurisdiction secure beds will be necessary thereafter.

	FY 20	FY 21	FY 22	FY 23
Existing DJ Youth + New DJ Youth – anticipated DJ Youth exits	24 + 16 – 6 =	34 + 16 – 6 =	44 + 16 – 6 =	54 + 16 – 16 - 6 =
DJ Beds Needed	34	44	54	48

DYS will place the need at 54 total beds to adequately serve this population under this proposal.

Residential Treatment Needs

The division can absorb 63 of the 122 beds needed for traditionally committed youth with existing resources by increasing the number of youth per group to 11. An additional 59 beds for traditionally committed youth will be required. The division would need a total of 54 beds to serve dual jurisdiction youth. The division has capacity currently to serve 40. 24 are filled with existing dual jurisdiction youth. 16 can be served with the existing capacity. 14 new dual jurisdiction beds are needed.

- 59 new beds for traditional commitments
- + 14 new beds for dual jurisdiction commitments
- 73 total beds required

The division has existing physical plant space at Hillsboro Treatment Center, Montgomery City Youth Center and Green Gables Facility. Two secure care groups (22) and one moderate care group (11) could be established through the use of these sites. 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 all facilities and locations:

- Hillsboro Treatment Center (secure care) reopen cottage - 1 group
- Montgomery City Youth Center (secure care) reopen cottage - 1 group

ASSUMPTION (continued)

Green Gables (moderate care) reopen facility - 1 group
Northwest Regional 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 - 1 group

The Office of Administration, Facilities Management Design and Construction, estimates the renovation/expansions and new facilities to be completed no sooner than four fiscal years assuming appropriation is provided in FY 2019. Given the effective date of this proposal to be January 1, 2020, the division anticipates being able to reopen additional groups at that time in Hillsboro, Montgomery City and at Green Gables resulting in a need of additional PS and EE in FY 20. Under this proposed legislation the division would need additional contractual care dollars in the amount of \$522,377 (13 youth x \$218 average cost per day x 6 months) in FY 20 during the renovation/expansion and new construction phase. In FY 21 and beyond the contractual care cost would be \$2,940,568.

The division would need additional dollars in FY 21 and FY 22 for personal service costs associated with staffing while new and renovated facilities, as well as, additional equipment and expense for start- up and ongoing costs.

The following is a breakdown associated with each facility and group:

- Hillsboro Treatment Center (secure care) 14 FTE; ongoing EE, existing space reopened with modified start-up costs
- Montgomery City Youth Center (secure care) 14 FTE; ongoing EE, existing space reopened with modified start-up costs
- Green Gables (moderate care) 15 FTE; ongoing EE, existing space reopened, full start-up costs
- Northwest Regional Youth Center (secure care) 14 FTE; ongoing EE, renovation of existing structure, modified start-up
- New moderate care facility in the Florissant/Hazelwood area - 29 FTE; ongoing EE, new construction, full start-up costs
- New moderate care facility in the Kansas City area - 15 FTE; ongoing EE, new construction, full start-up costs

ASSUMPTION (continued)

CASE MANAGEMENT

It is assumed that enactment of HCS for HB 274 will result in an additional 335 traditionally committed youth and an additional 4 youth committed under the dual jurisdiction statute equaling 339 new entrants over the course of a year. The present caseload standard set by the division is 18. Our data suggests that the additional 339 youth added to the division over the course of a year will result in approximately 200 additional youth being served at a given point in time. These 200 youth could be absorbed with existing case management resources.

DAY TREATMENT

The DYS's data and projections indicate that the addition of '335'- 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 \$26,787 per year for costs related to detention stays.

DFAS

The above impacts are assuming that the effective date clause will pass; however, if the effective date does not pass then our response would be the same as FN-0187-01, SB-40.

Officials at the **Department of Corrections (DOC)** assume version 2 reinstates the original wording of 211.071 so that children from 12 to 17 can be tried in adult court for the offenses of murder 1st and 2nd degree, assault 1st degree, rape 1st degree, sodomy 1st degree, robbery 1st degree or distribution of drugs or with two or more prior felonies. Version 1 had raised the age to 16. The change in the wording makes the bill similar to HB 430 (FN0775-01). A difference between the two bills is that HCS for HB 274 continues to have an enactment date of 1/01/2020 instead of 8/28/2017. The impact is, therefore, put back two and a half years.

Impact from FN 0775-01 applies to FN 940-02:

The bill increases the age when a child can be prosecuted in adult court from 17 to 18, as does the bill SB40 introduced in this session. The difference is that HCS for HB 274 and HB 430 do not amend section 211.071 that defines the offenses for which a child can be certified as an adult. The bill will allow children 12 and over to be tried in adult court for a serious felony or with two or more prior felonies.

Unlike SB 40 the impact of the bill on the sentencing of juveniles will be limited to juveniles of 17 and an estimate is required of the number of 17 year olds who will be certified as adults.

ASSUMPTION (continued)

In FY16 the DOC admitted 302 seventeen year olds and received 443 on probation. The numbers have been declining for a number of years, as have the number of all children certified as adults, but the number admitted for serious and violent offenses has not declined. 217.071 RSMo. defines a serious offense as Murder 1st, Murder 2nd, Rape 1st, Sodomy 1st, Robbery 1st, Assault 1st and drug distribution and it is expected that all seventeen year olds charged with these offenses will be certified as an adult. Nonviolent are all remaining felonies other than the serious violent felonies.

Table 1. New admissions of offenders under 18 at time of the offense

Age	FY2014			FY2015			FY2016		
	Nonviolent	Violent	Total	Nonviolent	Violent	Total	Nonviolent	Violent	Total
New Admissions									
13	-	-		1	-	1	2	-	2
14	2	-	2	1	-	1	1	-	1
15	7	3	10	9	1	10	3	2	5
16	27	8	35	24	5	29	17	6	23
17	392	24	416	316	25	341	281	21	302
Total	428	35	463	351	31	382	304	29	333
Probation									
13	1	-	1						
14	2	-	2				2	1	3
15	5	-	5	3	1	4	11	2	13
16	15	-	15	19	4	23	20	1	21
17	497	10	507	403	5	408	438	5	443
Total	520	10	530	425	10	435	471	9	480
Total DOC	948	45	993	776	41	817	775	38	813

An estimate of seventeen year olds who will be certified as an adult is based upon the percent of children from 11 to 16 who have been received by the DOC instead of the Division of Youth Services (DYS). The percentage increases as the age of the child increases and it is estimated that 25% of seventeen year olds convicted of a felony other than a serious violent offense will be certified as an adult. In the FY16 impact assessment for SB 685 the DOC estimated that the percent would be 20% but the DOC percentage of the 13-16 has increased from 7% to 10.5% in this estimate.

Table 2. Intake of Juveniles 13-16 by Department of Corrections and the Division of Youth Services

Age at offense	DOC intake				DYS intake				Total DOC+DYS	Percent DOC	Percent DYS
	FY14	FY15	FY16	Total	FY14	FY15	FY16	Total			
13	1	1	2	4	57	51	47	155	159	2.6%	97.4%
14	4	1	4	9	125	107	86	319	328	2.8%	97.2%
15	15	14	18	47	237	193	187	617	664	7.6%	92.4%
16	50	52	44	146	293	303	276	872	1,018	16.7%	83.3%
Total	70	68	68	206	713	654	596	1,963	2,169	10.5%	89.5%
Estimated percent for DOC for 17 year olds for nonviolent offenses										25.0%	75.0%

ASSUMPTION (continued)

If 25% of seventeen year olds convicted of nonviolent offenses and all 17 years olds convicted of serious violent offenses are tried and sentenced in adult court then, using FY16 admissions, there will be 211 seventeen year olds who would have been sentenced to prison and 329 who would have been sentenced to probation tried and sentenced instead in juvenile court, a total reduction of 540 young offenders (75% of FY16 nonviolent intake).

Table 3. Seventeen year olds not certified as adults and received by the DYS in FY16

	FY14	FY15	FY16
New admissions			
Serious violent	-	-	-
Nonviolent	294	237	211
Total prison	294	237	211
Probation			
Serious violent	-	-	-
Other felonies	373	302	329
Total probation	373	302	329

Approximately 50% of the new admissions will serve a prison sentence and 50% will be sentenced to a 120-day sentence and be released to probation. The average sentence of the prison sentences is 5.8 years and the average time served to first release is 36.3%. In addition the DOC is adding an estimate for parole returns of 40% of the remaining time left on the sentence after first release to account for offenders who are revoked from parole. This estimate was not made in the FY16 assessment. Offenders on probation are expected to serve three years because most offenders will be eligible to earn compliance credits and earn an early discharge.

Table 4. Average sentence and time served by nonviolent seventeen year olds in FY16

	New Admissions	Average Sentence (years)	Percent Sentence Served	Time to First Release	Parole Returns (40% return)	Total Prison Time	Parole
Prison	105	5.8	36.3%	2.1	1.5	3.6	2.1
120-Day & probation	105	5.1		0.3	-	-	-
Total	211						

The total expected impact of a reduction of 540 in intake is a reduction in the prison population of 383 and reduction of 1,746 in the field population. The legislation proposes that certification changes on January 2018 and the estimate for FY18 is at 50% of the full year. The impact will be complete after six years (FY23).

ASSUMPTION (continued)

Table 5. Impact upon the DOC prison and field population

	FY18	FY19	FY20	FY21	FY22	FY23	FY24	FY25	FY26	FY27
Admissions & probation										
Admissions			-53	-105	-105	-105	-105	-105	-105	-105
Releases to parole			0	0	0	-42	-105	-105	-105	-105
Releases to probation (120 day)			-26	-105	-105	-105	-105	-105	-105	-105
Probation			-201	-402	-402	-402	-402	-402	-402	-402
Prison and Field Population (admissions * length of stay)										
Prison			-53	-158	-132	-383	-383	-383	-383	-383
Parole			0	0	0	-42	-148	-224	-224	-224
Probation			-227	-760	-1,267	-1,521	-1,521	-1,521	-1,521	-1,521
Impact			0	0	0	0	0	0	0	0
Prison			-53	-158	-132	-383	-383	-383	-383	-383
Field			-227	-760	-1,267	-1,521	-1,668	-1,745	-1,745	-1,745

Although the impact assessment has a significant drop in the DOC prison population because of the proposed legislative change recidivism rates for young offenders are high and it may be that if the legislation is passed admissions of offenders over 18 may increase and offset some of the reduction in seventeen year olds.

ASSUMPTION (continued)

	# to Prison	Cost per year	Total Cost Prison	# to Probation and/or Parole	Cost per Year	Total Cost of Probation & Parole	Grand Total Prison and Probation (includes 2% inflation per year starting in year 2)
Year 1 (10 months)	0	\$ 6,085	\$ -	0	\$ 2,234	\$ -	\$ -
Year 2 (includes 2% inflation)	0	\$ 6,085	\$ -	0	\$ 2,234	\$ -	\$ -
Year 3 (includes 2% inflation)	53	\$ 6,085	\$ 322,505	227	\$ 2,234	\$ 507,118	\$ 863,140
Year 4 (includes 2% inflation)	158	\$ 6,085	\$ 961,430	760	\$ 2,234	\$ 1,697,840	\$ 2,822,039
Year 5 (includes 2% inflation)	132	\$ 6,085	\$ 803,220	1267	\$ 2,234	\$ 2,830,478	\$ 3,933,232
Year 6 (includes 2% inflation)	383	\$ 6,085	\$ 2,330,555	1563	\$ 2,234	\$ 3,491,742	\$ 6,428,286
Year 7 (includes 2% inflation)	383	\$ 6,085	\$ 2,330,555	1668	\$ 2,234	\$ 3,726,312	\$ 6,821,016
Year 8 (includes 2% inflation)	383	\$ 6,085	\$ 2,330,555	1745	\$ 2,234	\$ 3,898,330	\$ 7,155,031

In summary, the DOC assumes the following cost avoidance for this proposal:

FY 2018 - \$0

FY 2019 - \$0

FY 2020 - \$863,140

FY 2025 - \$7,155,031 (Fully Implemented)

ASSUMPTION (continued)

In response to a previous version, officials at the **Office of the State Courts Administrator** assumed the proposed legislation requires children under the age of 18 to be prosecuted for most criminal offenses in juvenile courts unless the child is certified as an adult.

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 1,814 additional juvenile law violations annually and 2,513 status violations in the 34 multi-county circuits, 38th and 46th circuits.

Based upon projected additional violations in the 34 multi-county circuits in Missouri, the FY17 estimated juvenile personnel cost in these circuits would be \$2,526,192 (37 juvenile officer FTE). In addition, the ten single county circuit juvenile referrals on average are 47% higher resulting in a total cost of \$4,840,455. In addition, there would be added training cost for all new juvenile officer staff of \$192,184, program cost for multi county circuits of \$1,307,600 and program cost for single county circuits of \$1,922,200. The total cost would be \$10,788,631.

Below is a breakdown of the costs:

Multi Circuits*

	FTE	Salary	Total	Fringes	Total
Juvenile Officer (Law Violation)	17	\$44,352	\$753,984	\$406,699	\$ 1,160,683
Juvenile Officer (Status Offender)	20	\$44,352	\$887,040	\$478,496	<u>\$ 1,365,509</u>
				Total	\$ 2,526,192

Single Circuits*

Juvenile Officer (47% greater number of referrals than multi-county circuits)					\$ 1,706,204
Status Offender (47% greater number of referrals than multi-county circuits)					\$ 2,007,299
Detention Aid	22	\$32,628	\$717,816	\$409,136	<u>\$ 1,126,952</u>
				Total	\$ 4,840,455
Training for all new juvenile officer staff					\$ 192,184
Program Cost for multi county 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))					<u>\$ 1,922,200</u>
Total Cost					\$10,788,631

* Note: The 34 multi-county, 38th and 46th circuits are state-paid, the single county circuits are reimbursed by the state.

ASSUMPTION (continued)

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

In response to a previous version, officials at the **Office of Administration's Office of Child Advocate** and **Division of Personnel** assumed no fiscal impact from this proposal.

<u>FISCAL IMPACT -</u> <u>State Government</u>	FY 2018	FY 2019	FY 2020 (6 Mo.)	Fully Implemented (FY 2025)
GENERAL REVENUE				
<u>Savings - DOC - cost avoidance/reduction in prison population requiring supervision</u>	\$0	\$0	\$863,140	\$7,155,031
<u>Cost - DSS</u>				
Personal Service	\$0	\$0	(\$480,625)	(\$2,775,671)
Fringe Benefits	\$0	\$0	(\$296,101)	(\$1,671,851)
Equipment/Expense	<u>\$0</u>	<u>\$0</u>	<u>(\$809,205)</u>	<u>(\$1,123,263)</u>
<u>Total Costs - DSS</u>	<u>\$0</u>	<u>\$0</u>	<u>(\$1,585,931)</u>	<u>(\$5,570,785)</u>
FTE Change - DSS	0 FTE	0 FTE	29 FTE	82 FTE
<u>Costs - OSCA</u>				
Personal Service	\$0	\$0	(\$1,179,420)	(\$2,358,840)
Fringe Benefits	\$0	\$0	(\$647,152)	(\$1,294,304)
Equipment/Expense	<u>\$0</u>	<u>\$0</u>	<u>(\$3,567,744)</u>	<u>(\$7,135,487)</u>
<u>Total Costs - OSCA</u>	<u>\$0</u>	<u>\$0</u>	<u>(\$5,394,316)</u>	<u>(\$10,788,631)</u>
FTE Change - OSCA	0 FTE	0 FTE	59 FTE	59 FTE
ESTIMATED NET EFFECT ON GENERAL REVENUE	<u>\$0</u>	<u>\$0</u>	<u>(\$6,117,107)</u>	<u>(\$9,204,385)</u>
Estimated Net FTE Change for General Revenue Fund	0 FTE	0 FTE	88 FTE	141 FTE

FISCAL IMPACT -
State Government -
 (continued)

FY 2018

FY 2019

FY 2020
 (6 Mo.)

Fully
 Implemented
 (FY 2025)

**OTHER STATE
 FUNDS (various)**

Cost - DSS

Personal Service	\$0	\$0	(\$196,017)	(\$543,667)
Fringe Benefits	\$0	\$0	(\$120,428)	(\$326,832)
Equipment/Expense	<u>\$0</u>	<u>\$0</u>	<u>(\$201,583)</u>	<u>(\$222,611)</u>
Total Costs - DSS	<u>\$0</u>	<u>\$0</u>	<u>(\$518,028)</u>	<u>(\$1,093,110)</u>
FTE Change - DSS	0 FTE	0 FTE	12 FTE	16 FTE

**ESTIMATED NET
 EFFECT ON OTHER
 STATE FUNDS
 (various)**

<u>\$0</u>	<u>\$0</u>	<u>(\$518,028)</u>	<u>(\$1,093,110)</u>
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Estimated Net FTE
 Change for Other State
 Funds (Various)

0 FTE	0 FTE	12 FTE	16 FTE
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**CAPITAL
 IMPROVEMENT
 FUND**

Cost - for new
 construction/renovation
 to accommodate
 DSS/DYS

<u>(\$8,353,302)</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
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**ESTIMATED NET
 EFFECT OF
 CAPITAL
 IMPROVEMENTS
 FUND**

<u>(\$8,353,302)</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
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FISCAL IMPACT -
State Government -
 (continued)

	FY 2018	FY 2019	FY 2020 (6 Mo.)	Fully Implemented (FY 2025)
STATE FACILITIES MAINTENANCE OPERATIONS FUND (SFMOF)				
<u>Costs - FMDC</u>				
Personal Service	\$0	\$0	(\$24,442)	(\$120,305)
Fringe Benefits	\$0	\$0	(\$15,022)	(\$66,751)
Equipment/Expense	\$0	\$0	(\$12,994)	(\$186,127)
<u>Total Costs - FMDC</u>	<u>\$0</u>	<u>\$0</u>	<u>(\$52,458)</u>	<u>(\$373,183)</u>
FTE Change - FMDC	0 FTE	0 FTE	.8 FTE	3 FTE
ESTIMATED NET EFFECT ON SFMOF	<u>\$0</u>	<u>\$0</u>	<u>(\$52,458)</u>	<u>(\$373,183)</u>
Estimated Net FTE Change for SFMOF	0 FTE	0 FTE	.8 FTE	3 FTE

FISCAL IMPACT -
State Government -
 (continued)

	FY 2018	FY 2019	FY 2020 (6 Mo.)	Fully Implemented (FY 2025)
FEDERAL FUNDS				
<u>Income - DSS -</u> increase in program reimbursements	\$0	\$0	\$154,811	\$329,149
<u>Income - OA</u> Increase in program reimbursements	\$0	\$0	\$12,305	\$90,591
<u>Cost - DSS</u>				
Personal Service	\$0	\$0	(\$62,770)	(\$166,790)
Fringe Benefits	\$0	\$0	(\$37,814)	(\$101,210)
Equipment/Expense	<u>\$0</u>	<u>\$0</u>	<u>(\$54,227)</u>	<u>(\$61,149)</u>
<u>Total Cost - DSS</u>	<u>\$0</u>	<u>\$0</u>	<u>(\$154,811)</u>	<u>(\$329,149)</u>
FTE Change DSS	0 FTE	0 FTE	4 FTE	5 FTE
<u>Cost - FMDC</u>				
Personal Service	\$0	\$0	(\$5,733)	(\$28,220)
Fringe Benefits	\$0	\$0	(\$3,524)	(\$18,712)
Equipment/Expense	<u>\$0</u>	<u>\$0</u>	<u>(\$3,048)</u>	<u>(\$43,659)</u>
<u>Total Cost - FMDC</u>	<u>\$0</u>	<u>\$0</u>	<u>(\$12,305)</u>	<u>(\$90,591)</u>
FTE Change FMDC	0 FTE	0 FTE	.2 FTE	1 FTE
ESTIMATED NET EFFECT ON FEDERAL FUNDS	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Estimated Net FTE Change for Federal Funds	0 FTE	0 FTE	4.2 FTE	6 FTE
 <u>FISCAL IMPACT -</u> <u>Local Government</u>	 FY 2018 (10 Mo.)	 FY 2019	 FY 2020 (6 Mo.)	 Fully Implemented (FY 2025)
	<u>\$0</u>	<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 changes "adult" to mean anyone 18 years old or older and "child" to mean anyone under the age of 18. The bill also requires children to be prosecuted in juvenile courts unless the child is certified as an adult or is being prosecuted for a traffic or curfew violation. Additionally, the bill specifies that no person under the age of 18 may be detained in an adult jail unless the person has been certified as an adult.

The bill also specifies that offenders under the age of 18 who have been certified as adults are eligible for dual jurisdiction of both criminal and juvenile codes, whereas the provision currently applies to such offenders under the age of 17 1/2. Dual jurisdiction allows an offender who has been found guilty in an adult court to complete a juvenile sentence in a Division of Youth Services facility.

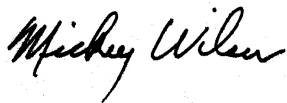
Currently, children between the ages of 12 and 17 who are alleged to have committed a felony can be prosecuted in a court of general jurisdiction rather than in juvenile court. Also, if a child between the ages of 12 and 17 is alleged to have committed certain specified crimes, the court must hold a hearing to determine whether the child should be prosecuted in a court of general jurisdiction. Under this bill, only children ages 16 and 17 may be prosecuted in a court of general jurisdiction and only if they have committed certain specified crimes. Additionally, rather than requiring a mandatory hearing, the bill allows for a hearing upon motion of the court, the juvenile officer, the child, or the child's custodian.

The bill has a delayed effective date of January 1, 2020.

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

SOURCES OF INFORMATION

Office of the State Courts Administrator
Department of Social Services
Department of Corrections
Department of Public Safety
 Missouri Highway Patrol
Office of Prosecution Services
Office of the State Public Defender
Department of Mental Health
Office of Administration
 Facilities Management, Design and Construction
 Office of Child Advocate
 Division of Personnel



Mickey Wilson, CPA
Director
April 17, 2017

Ross Strobe
Assistant Director
April 17, 2017