

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4041-05
Bill No.: Truly Agreed To and Finally Passed SS for HCS for HB 1550
Subject: Courts; Children and Minors
Type: Original
Date: May 29, 2008

Bill Summary: The proposal expands the jurisdiction of juvenile courts to include individuals who are over the age of 17 but under the age of 18 for the purpose of status offenses.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
General Revenue	(\$161,836 or More than \$2,086,655)	(\$200,027 or More than \$2,493,685)	(\$206,029 or More than \$2,563,434)
Total Estimated Net Effect on General Revenue Fund	(\$161,836 or More than \$2,086,655)	(\$200,027 or More than \$2,493,685)	(\$206,029 or More than \$2,563,434)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 10 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
General Revenue	0 or 33	0 or 33	0 or 33
Total Estimated Net Effect on FTE	0 or 33	0 or 33	0 or 33

Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
Local Government	(\$900,645) or \$161,836	(\$981,362) or \$200,027	(\$1,012,866) or \$206,029

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Corrections, Department of Elementary and Secondary Education, Department of Public Safety – Missouri State Highway Patrol, – Director’s Office,** and the **Missouri Senate** assume the proposal would have no fiscal impact on their agencies.

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

§ 211.021 – Juvenile Court Jurisdiction

Officials from the **Office of Administration – Division of Budget and Planning** assume there should be no added cost to their agency as a result of the proposal. Officials defer to the Office of State Courts Administrator for the estimated cost to the state as a result of this proposal.

Officials from the **Office of State Courts Administrator (CTS)** assume the proposed legislation would provide for juvenile court jurisdiction termination at age eighteen for status offenses.

CTS assumes this would cause a significant workload and fiscal impact on the courts. CTS anticipates there will be approximately 4,456 additional status offenses annually. Approximately 6% of status offenses result in detention. Since services provided in the juvenile justice system are significantly greater than those in the adult justice system, any adult “cost avoidance” would not be sufficient to handle the change.

Based upon projected additional violations in the 35 multi-county circuits in Missouri, the FY 2009 estimated juvenile personnel cost in these circuits would be \$1,767,489 and 33 juvenile officer FTE. Overall detention days for approximately 273 additional juveniles are projected to increase by 4,914, costing the state an additional \$68,796 in per diem reimbursement pursuant to Section 211.156, RSMo.

In addition, CTS estimates the 10 single-county circuits will need approximately 19 FTE to handle this increase.

ASSUMPTION (continued)

Oversight assumes the Office of State Courts Administrator would incur increased costs due to a significant increase in workload. Oversight assumes these costs to be more than \$100,000 per fiscal year.

Oversight assumes the single-county circuits would incur the cost of the salaries, fringe benefits, and equipment and expenses for 19 FTE. For fiscal note purposes, Oversight assumes the salary and fringe benefit percentage per FTE would be the same as provided by the CTS.

Oversight assumes counties would incur the equipment and expense costs for the 52 FTE juvenile officers. Oversight assumes this cost to be approximately \$2,500 per FTE in FY 08 and approximately \$500 per FTE in subsequent years.

Oversight has reflected the fiscal impact to the General Revenue Fund as \$0 or more than approximately \$2 million and the cost to political subdivisions as \$0 or approximately \$1 million, since the provisions relating to extension of the juvenile court's jurisdiction shall not take effect until such time as spending by the state for juvenile officers and offices exceeds by \$1.9 million the amount spent by the state for such officers and offices in fiscal year 2007 and notice of such appropriations has been given to the Revisor of Statutes.

Oversight received the information from Office of State Courts Administrator regarding the total amount spent by the state for juvenile officers and offices in FY 07, the budget amount for FY 08, and the Governor recommendation for FY 09. Oversight assumes fringe benefits would be included in the FY 07 total amount spent and in future year amounts. For information purposes, the amounts are included below:

	FY 07 Total	FY 08 Budget	FY 09 Governor Recommendation
Juvenile Staff	\$16,102,778	\$16,562,631	\$17,059,509
Fringe Benefits	\$7,120,648	\$7,323,995	\$7,543,715
Reimbursement to 10 Single County Circuits	\$7,579,900	\$7,579,900	\$7,579,900
Total	\$30,803,333	\$31,466,534	\$32,183,133

ASSUMPTION (continued)

Officials from the **Department of Social Services (DOS)** assume for purposes of juvenile court jurisdiction, this legislation extends jurisdiction to age 18 for status offenses only by redefining the terms “adult,” “child,” and “status offense.” Currently, youth age 17 and older are considered adults. This change would apply only to status offenders; not to children who have committed crimes. The proposal would not take effect until additional funding in the amount of \$1.9 million is allocated for additional juvenile officers and deputy juvenile officers. DOS assumes no fiscal impact.

In response to a previous version of the proposal (HCS for HB 1550, LR # 4041-03) officials from the **Office of the State Public Defender (SPD)** assumed this proposal will require more SPD resources. While the number of new cases (or cases with increased penalties) may be too few or uncertain to request additional appropriations for this specific bill, the SPD will continue to request sufficient appropriations to provide competent and effective representation in all its cases.

Oversight assumes the Office of the State Public Defender (SPD) could absorb the costs of the proposed legislation within existing resources. Oversight assumes any significant increase in the workload of the SPD would be reflected in future budget requests.

§ 221.515 – County Jailers Allowed to Carry Firearms

Officials from the **Boone County Sheriff’s Office** stated that only certified peace officers are required to have POST training in firearms. This proposal does not require jailers to have POST training. Officials stated that the Boone County Sheriff requires his Jailers to have training in firearms. Officials assume that current state law does not require POST training, therefore, officials assume no fiscal impact.

Officials from the **Platte County Sheriff’s Office** assume there would be no costs associated with the provisions in this section. Officials stated that their jail is staffed with both civilian and POST certified personnel. Officials stated that this amendment does not require POST training and would have no fiscal impact.

ASSUMPTION (continued)

§ 478.466 – Jackson County Drug Court Commissioner

Officials from the **Office of State Courts Administrator (CTS)** assume, beginning August 28, 2008, the proposed legislation would remove the requirement that the state be reimbursed by Jackson County for salary and benefits of the drug court commissioner in the 16th judicial circuit. The compensation for a drug court commissioner is the same as for an associate circuit judge (\$106,181 per year plus fringe benefits). CTS assumes the total cost of the legislation to be approximately \$162,000 in FY 09 and approximately \$200,000 in subsequent years.

Oversight assumes the proposal does not address the current payment of equipment and expenses of the drug court commissioner. Therefore, the fiscal note does not reflect any cost or savings to equipment and expenses.

Oversight assumes the proposal would result in savings to Jackson County because they would no longer be required to reimburse the state for the salary and benefits of the drug court commissioner. Oversight assumes the savings to be approximately \$162,000 in FY 09 and approximately \$200,000 in subsequent years.

Section 1 – Study on Impact of Changing Definition of Child

Officials from the **Department of Social Services (DOS)** states the addition of Section 1 requires the Office of State Courts Administrator (CTS) to conduct a study and report to the General Assembly by June 30, 2009, on the impact of changing the definition of child to include any person over 17, but less than 18, years of age alleged to have committed a status offense. The report must contain information regarding the impact on caseloads of juvenile officers, including the average increase in caseload per juvenile officer for each judicial circuit, and the number of children affected by the change in definition. Since the report has to be prepared by CTS, DOS assumes the proposal will have no fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2009 (10 Mo.)	FY 2010	FY 2011
GENERAL REVENUE FUND			
<u>Costs – Office of State Courts</u>			
Administrator (CTS) (§ 211.021)			
Personal Service	\$0 or (\$1,192,029)	\$0 or (\$1,473,348)	\$0 or (\$1,517,549)
Fringe Benefits	\$0 or (\$527,115)	\$0 or (\$651,514)	\$0 or (\$671,060)
Equipment and Expense	\$0 or (\$48,345)	\$0	\$0
Increased court cases	\$0 or (More than \$100,000)	\$0 or (More than \$100,000)	\$0 or (More than \$100,000)
Per diem reimbursement to counties	<u>\$0 or (\$57,330)</u>	<u>\$0 or (\$68,796)</u>	<u>\$0 or (\$68,796)</u>
<u>Total Costs – CTS</u>	<u>\$0 or (More than \$1,924,819)</u>	<u>\$0 or (More than \$2,293,658)</u>	<u>\$0 or (More than \$2,357,405)</u>
FTE Change – CTS (§ 211.021)	0 or 33 FTE	0 or 33 FTE	0 or 33 FTE
 <u>Costs – Office of State Courts</u>			
Administrator (CTS) (§ 478.466)			
Personal Service	(\$91,139)	(\$112,647)	(\$116,027)
Fringe Benefits	<u>(\$70,697)</u>	<u>(\$87,380)</u>	<u>(\$90,002)</u>
<u>Total Costs – CTS</u>	<u>(\$161,836)</u>	<u>(\$200,027)</u>	<u>(\$206,029)</u>
 ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
	<u>(\$161,836 or More than \$2,086,655)</u>	<u>(\$200,027 or More than \$2,493,685)</u>	<u>(\$206,029 or More than \$2,563,434)</u>
 Estimated Net FTE Change for General Revenue Fund	 0 or 33 FTE	 0 or 33 FTE	 0 or 33 FTE

<u>FISCAL IMPACT - Local Government</u>	FY 2009 (10 Mo.)	FY 2010	FY 2011
LOCAL GOVERNMENT			
<u>Revenues</u> – Counties from Office of State Courts Administrator (§ 211.021)			
Per diem reimbursement	<u>\$0 or \$57,330</u>	<u>\$0 or \$68,796</u>	<u>\$0 or \$68,796</u>
<u>Savings</u> – Jackson County (§ 478.466)			
Personal Service	\$91,139	\$112,647	\$116,027
Fringe Benefits	<u>\$70,697</u>	<u>\$87,380</u>	<u>\$90,002</u>
<u>Total Savings</u> – Jackson County	<u>\$161,836</u>	<u>\$200,027</u>	<u>\$206,029</u>
<u>Costs</u> – Counties for circuit courts (§ 211.021)			
Personal Service	\$0 or (\$686,320)	\$0 or (\$848,291)	\$0 or (\$873,740)
Fringe Benefits	\$0 or (\$303,491)	\$0 or (\$375,114)	\$0 or (\$386,368)
Equipment and Expense	<u>\$0 or (\$130,000)</u>	<u>\$0 or (\$26,780)</u>	<u>\$0 or (\$27,583)</u>
<u>Total Costs</u> – Counties for circuit courts (§ 211.021)	<u>\$0 or (\$1,119,811)</u>	<u>\$0 or (\$1,250,185)</u>	<u>\$0 or (\$1,287,691)</u>
FTE Change – counties (§ 211.021)	0 or 19 FTE	0 or 19 FTE	0 or 19 FTE
ESTIMATED NET EFFECT ON LOCAL GOVERNMENT			
	<u>(\$900,645) or \$161,836</u>	<u>(\$981,362) or \$200,027</u>	<u>(\$1,012,866) or \$206,029</u>
Estimated Net FTE Change for Local Government	0 or 19 FTE	0 or 19 FTE	0 or 19 FTE

FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

The proposal expands the jurisdiction of juvenile courts to include individuals who are 17 years of age for the sole purpose of status offenses by revising the definition of “child” and “adult.” “Status offense” is defined as any offense described in Section 211.021.1(2), RSMo. The provisions in Section 211.021 shall not take effect until such time as appropriations by the general assembly for additional juvenile officer full-time equivalents and deputy juvenile officer full-time equivalents exceed by \$1.9 million the amount spent by the state for such officers in fiscal year 2007 and notice of such appropriations has been given to the Revisor of Statutes. (§§ 211.021)

Allows under the rules and regulations of the Sheriff, employees designated as jailers to carry firearms when necessary for the proper discharge of their duties as jailers. (§ 221.515)

Currently, Jackson County must reimburse the state for moneys received for the salary and benefits payable to the drug court commissioner in the 16th judicial circuit. The proposal removes the reimbursement requirement. (§ 478.466)

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

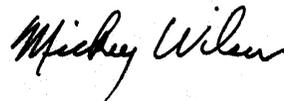
SOURCES OF INFORMATION

Office of Administration
– Division of Budget and Planning
Office of State Courts Administrator
Department of Elementary and Secondary Education
Department of Corrections
Department of Social Services
Department of Public Safety
– Missouri State Highway Patrol
– Director’s Office
Office of Prosecution Services

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SOURCES OF INFORMATION (continued)

Missouri Senate
Office of the State Public Defender
Boone County Sheriff's Department
Platte County Sheriff's Department

A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive style with a large, prominent initial "M".

Mickey Wilson, CPA
Director
May 29, 2008