

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4702-02
Bill No.: SB 1054
Subject: Juvenile Courts; Children and Minors; Family Law; Crime and Punishment
Type: Original
Date: February 11, 2008

Bill Summary: The proposal modifies provisions relating to juvenile courts and juvenile court jurisdiction.

FISCAL SUMMARY

| ESTIMATED NET EFFECT ON GENERAL REVENUE FUND | | | |
|---|---|---|---|
| FUND AFFECTED | FY 2009 | FY 2010 | FY 2011 |
| General Revenue | \$0 or (More than \$1,924,819) | \$0 or (More than \$2,293,658) | \$0 or (More than \$2,357,405) |
| | | | |
| Total Estimated Net Effect on General Revenue Fund | \$0 or (More than \$1,924,819) | \$0 or (More than \$2,293,658) | \$0 or (More than \$2,357,405) |

| 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 8 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 | \$0 or (\$1,090,316) | \$0 or (\$1,180,609) | \$0 or (\$1,217,312) |

FISCAL ANALYSIS

ASSUMPTION

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

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 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.

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.

ASSUMPTION (continued)

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 three million eight hundred dollars the amount spent by the state for such officers and offices in fiscal year 2007.

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 |

Officials from the **Office of the State Public Defender (SPD)** assume increasing penalties on existing crimes, or creating new crimes, 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.

ASSUMPTION (continued)

Officials from the Office of Prosecution Services did not respond to Oversight’s request for 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> | | | |
| <u>Administrator (CTS)</u> | | | |
| 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> |
| Total Costs – CTS | <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 | 0 or 33 FTE | 0 or 33 FTE | 0 or 33 FTE |
| ESTIMATED NET EFFECT ON GENERAL REVENUE FUND | <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> |
| 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 |
|---|--|--|--|
| POLITICAL SUBDIVISIONS | | | |
| <u>Revenues</u> – From Office of State Courts Administrator | | | |
| Per diem reimbursement | \$0 or \$57,330 | \$0 or \$68,796 | \$0 or \$68,796 |
| <u>Costs</u> – Counties for circuit courts | | | |
| 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 | \$0 or (\$157,835) | \$0 or (\$26,000) | \$0 or (\$26,000) |
| <u>Total Costs</u> – Counties for circuit courts | <u>(\$1,147,646)</u> | <u>(\$1,249,405)</u> | <u>(\$1,286,108)</u> |
| FTE Change – counties | 0 or 19 FTE | 0 or 19 FTE | 0 or 19 FTE |
| ESTIMATED NET EFFECT ON POLITICAL SUBDIVISIONS | | | |
| | <u>\$0 or (\$1,090,316)</u> | <u>\$0 or (\$1,180,609)</u> | <u>\$0 or (\$1,217,312)</u> |
| Estimated Net FTE Change for Political Subdivisions | 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 over seventeen years of age but not yet eighteen years of age, for the sole purpose of status offenses, by modifying the definitions of “child,” “adult,” and “status offense.”

FISCAL DESCRIPTION (continued)

All law enforcement officers, juvenile officers, school personnel, or court personnel shall have civil and criminal immunity from liability for any action taken or failure to take action involving a minor child who remains under the jurisdiction of the juvenile court if such action is based on a good faith belief by such officer or personnel that the minor child is not under the jurisdiction of the juvenile court.

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 three million eight hundred dollars the amount spent by the state for such officers and offices in fiscal year 2007.

This proposal also modifies the crime of tampering with a judicial officer to include juvenile and deputy juvenile officers.

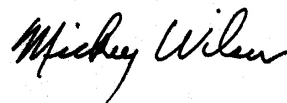
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of State Courts Administrator
Department of Corrections
Department of Social Services
Department of Public Safety
 – Missouri State Highway Patrol
 – Director's Office
Office of the State Public Defender

NOT RESPONDING

Office of Prosecution Services



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Director
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