

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 4658-06  
Bill No.: Perfected SCS for SB 618  
Subject: Children and Minors; Counties, Courts; Crime and Punishment; Criminal Procedure; Prisons and Jails; Social Services Department  
Type: Original  
Date: April 6, 2016

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Bill Summary: This proposal modifies provisions relating to the detention of juvenile offenders.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
General Revenue	\$0	(Unknown)	(Unknown)
<b>Total Estimated Net Effect on General Revenue</b>	<b>\$0</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 Other State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 7 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>\$0</b>	<b>(Unknown, greater than \$741,500)</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 provisions relating to the detention of juvenile offenders. 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.

In response to a previous version, officials at **St. Louis County** assumed 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, 2018. Therefore, Oversight will show \$0 in FY 17 and 6 months of cost in FY 2018.

Officials at the **Department of Elementary and Secondary Education (DESE)** assume depending upon the actions of the task force, this could result in costs to DESE, however, DESE would not expect the costs to be significant.

Officials at the **Boone County Sheriff's Department** assume a potential savings in not having to house a juvenile certified as an adult. However, that amount can not be calculated without knowing how many certified juveniles the Department will not have to house.

ASSUMPTION (continued)

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

Officials at the **Cole County Sheriff's Department**, the **Springfield Police Department** and the **St. Louis County Justice Services** each assume no fiscal impact to their respective entities from this proposal.

In response to a previous version, officials at the **Jefferson City Police Department** assumed no fiscal impact from this proposal.

Senate Amendment #1

**Oversight** assumes the Senate Amendment expands the language in the proposed changes to section 211.033 to include the one hundred twenty day program of the Department of Corrections and will have no direct fiscal impact to this proposal.

Senate Amendment #2

In response to similar legislation this year, SB 977, officials at the **Office of the Attorney General (AGO)** assumed that any potential costs arising from this proposal can be absorbed with existing resources. The AGO may seek additional appropriations if the proposal results in a significant increase in cases.

In response to similar legislation this year, SB 977, officials at the **Department of Health and Senior Services**, the **Department of Corrections**, the **Office of the State Public Defender**, the **Office of Prosecution Services**, the **Department of Social Services**, the **Department of Public Safety's Missouri Highway Patrol** and the **Office of the State Courts Administrator** each assumed no fiscal impact to their respective agencies from this proposal.

Senate Amendment #3

In response to similar legislation this year, SB 918, officials at **Department of Social Services**, the **Office of the State Courts Administrator** and the **Office of the State Public Defender** each assumed no fiscal impact to their respective agencies from this proposal.

ASSUMPTION (continued)

Officials from the Buchanan County Sheriff’s Department, Cass County Sheriff Department, Clark County Sheriff’s Department, Columbia Police Department, Independence Police Department, Jackson County Sheriff Department, Jefferson City Police Department, Platte County Sheriff’s Department, St. Charles Police Department, St. Joseph Police Department, St. Louis County Police Department and the St. Louis Metropolitan Police Department did not respond to **Oversight’s** request for fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2017 (10 Mo.)	FY 2018 (6 Mo)	FY 2019
<b>GENERAL REVENUE</b>			
<u>Cost - Office of State Court Administrators - increase in juvenile detention population</u>	<u>\$0</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
<b>ESTIMATED NET EFFECT ON GENERAL REVENUE</b>	<b><u>\$0</u></b>	<b><u>(Unknown)</u></b>	<b><u>(Unknown)</u></b>
<u>FISCAL IMPACT - Local Government</u>	FY 2017 (10 Mo.)	FY 2018 (6 Mo)	FY 2019
<b>LOCAL POLITICAL SUBDIVISIONS</b>			
<u>Cost - Counties - increase in detention costs for juvenile offenders</u>	<u>\$0</u>	<u>(Unknown, greater than \$741,500)</u>	<u>(Unknown, greater than \$1,551,376)</u>
<b>ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS</b>	<b><u>\$0</u></b>	<b><u>(Unknown, greater than \$741,500)</u></b>	<b><u>(Unknown, greater than \$1,551,376)</u></b>
<u>FISCAL IMPACT - Small Business</u>			

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

### FISCAL DESCRIPTION

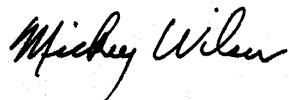
Under current law, any child under the age of 17 who has been certified as an adult may be detained in an adult jail prior to trial. This act prohibits the detention of any child certified as an adult in an adult jail until the child has been sentenced or turns 17 years of age. Instead, the child must be detained in a juvenile facility that adheres to current state standards. These provisions take effect January 1, 2018.

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  
Cole County Sheriff's Department  
Springfield Police Department  
St. Louis County Justice Services  
Jefferson City Police Department  
Boone County Sheriff's Department  
Office of the Attorney General  
Department of Health and Senior Services



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April 6, 2016

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