

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4658-08
Bill No.: HCS for SCS for SB 618
Subject: Children and Minors; Counties, Courts; Crime and Punishment; Criminal Procedure; Prisons and Jails; Social Services Department
Type: Original
Date: May 2, 2016

Bill Summary: This proposal changes provisions relating to criminal offenders.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
General Revenue	\$0	(Unknown)	(Unknown)
Total Estimated Net Effect on General Revenue	\$0	(Unknown)	(Unknown)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 7 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
Total Estimated Net Effect on FTE	0	0	0

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 2017	FY 2018	FY 2019
Local Government	\$0	(Unknown, greater than \$741,500)	(Unknown, greater than \$1,551,376)

FISCAL ANALYSIS

ASSUMPTION

Sections 211.033, 211.071, 211.151, 221.044 and 221.240

Officials at the **Office of the State Courts Administrator** assume the proposed legislation modifies provisions relating to the detention and shackling of juvenile offenders and detention and shackling of pregnant 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 17th 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.

In response to a previous version, officials at the **Boone County Sheriff's Department** assumed 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** and the **Department of Mental Health** each assume no fiscal impact to their respective agencies from this proposal.

In response to a previous version, officials at the **Department of Social Services**, the **Department of Corrections** and the **Office of the State Public Defender** each assumed 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.

Section 211.436

Officials at the **Office of the State Courts Administrator** assume no fiscal impact from this proposal.

In response to a previous version, officials at the **Department of Social Services** assumed no fiscal impact from this proposal.

In response to similar legislation this year, SB 918, officials at **Office of the State Public Defender** assumed no fiscal impact from this proposal.

Section 217.151

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.

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

In response to a previous version, officials at the **Department of Social Services** assumed no fiscal impact from this proposal.

ASSUMPTION (continued)

In response to similar legislation this year, SB 977, officials at the **Department of Health and Senior Services**, the **Department of Corrections** and the **Office of the State Public Defender** each assumed no fiscal impact to their respective agencies from this proposal.

Oversight assumes this section of the proposal reflects a change codifying statute and should have no direct fiscal impact to the proposal.

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
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GENERAL REVENUE

<u>Cost - Office of State Court Administrators - increase in juvenile detention population</u>	<u>\$0</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
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ESTIMATED NET EFFECT ON GENERAL REVENUE	<u>\$0</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
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<u>FISCAL IMPACT - Local Government</u>	FY 2017 (10 Mo.)	FY 2018 (6 Mo)	FY 2019
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LOCAL POLITICAL SUBDIVISIONS

<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>
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ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS	<u>\$0</u>	<u>(Unknown, greater than \$741,500)</u>	<u>(Unknown, greater than \$1,551,376)</u>
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FISCAL IMPACT - Small Business

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.

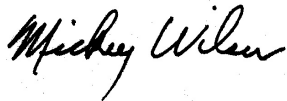
This act requires the Division of Youth Services in collaboration with the Office of State Courts Administrator to establish a task force to make recommendations on the system and process design to be used to divert children who have been certified as adults from adult jails by January 1, 2017. In addition, 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

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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
Department of Elementary and Secondary Education
Department of Revenue



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