

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 4659-01  
Bill No.: SB 684  
Subject: Children and Minors; Criminal Procedure; Crime and Punishment; Courts; Social Services Department  
Type: Original  
Date: February 9, 2016

Bill Summary: This proposal specifies that courts must order an evaluation by the Division of Youth Services to determine whether dual jurisdiction is appropriate for certain juvenile offenders.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>				
FUND AFFECTED	FY 2017	FY 2018	FY 2019	Fully Implemented (FY 2020)
General Revenue	\$0	(\$702,271)	(Up to \$1,511,026)	(Up to \$1,353,589)
<b>Total Estimated Net Effect on General Revenue</b>	<b>\$0</b>	<b>(\$702,271)</b>	<b>(Up to \$1,511,026)</b>	<b>(Up to \$1,353,589)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>				
FUND AFFECTED	FY 2017	FY 2018	FY 2019	Fully Implemented (FY 2020)
State Facility Maintenance Operation Fund	\$0	\$0	\$0	\$0
Other State Funds (various)	\$0	\$0	(Up to \$108,730)	(Up to \$107,225)
<b>Total Estimated Net Effect on Other State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>(Up to \$108,730)</b>	<b>(Up to \$107,225)</b>

Numbers within parentheses: ( ) indicate costs or losses. This fiscal note contains 12 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>Fully Implemented (FY 2020)</b>
Federal Funds*	\$0	\$0	\$0	\$0
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

\*Income and spending net to \$0.

<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>Fully Implemented (FY 2020)</b>
General Revenue	0	0	Up to 23 FTE	Up to 23 FTE
Federal Funds	0	0	Up to 1 FTE	Up to 1 FTE
Other State Funds	0	0	Up to 2 FTE	Up to 2 FTE
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>Up to 26 FTE</b>	<b>Up to 26 FTE</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>Fully Implemented (FY 2020)</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## FISCAL ANALYSIS

### ASSUMPTION

Officials at the **Department of Social Service's Division of Youth Services (DYS)** assume enactment of these changes will likely increase the utilization of the dual jurisdiction sentencing option for certified youth who have been convicted in the court of general jurisdiction; however, judicial behavior will remain a key variable. Changes made in 2013 to 211.073, RSMo (Jonathan's Law), requiring judges to "consider" dual jurisdiction have begun to have effect. Awareness and consideration of dual jurisdiction has increased. State Fiscal Year 2015 saw an exponential increase in inquiry and orders for assessment resulting in greater utilization of the dual jurisdiction (DJ) program. To date, in SFY 16, this utilization has remained consistent. The division will consider the more recent data in this projection exercise.

Projections are difficult as there are limitations to the information available regarding the outcomes of certified juvenile adult court cases. The Office of States Court Administrator provided the following information that assisted in formulating our projection:

There has been an average of 63 certifications for the previous 3 years.  
68 certifications occurred in CY 2014:

45 of those certifications have known outcomes - 23 certifications show that no disposition has been entered; meaning the case remains unresolved or data has not yet been entered.

14 of 45 = 31% resulted in no prosecution-SB 684 does not require evaluation of these cases.

13 of 45 = 29% resulted in sentences to DOC - These are potential new dual jurisdiction candidates.

13 of 45 = 29% resulted in probation or 120 day shock w/probation - These cases will not produce program candidates as young people and their attorneys will likely view this resolution as more desirable than a lengthy residential stay with the Division.

5 of 45 = 11% resulted in dual jurisdiction as a case outcome

ASSUMPTION (continued)

Projection

Assuming the 3 year average (CY 13, 14, 15) of 63 certifications going forward and applying the percentages above, the DYS would expect the following:

31% (20/63) of the cases will not be prosecuted and thus are not subject to the new requirements of this proposal; therefore, will not require an evaluation.

69% (43/63) will be prosecuted; therefore will require an evaluation from DYS. Costs associated with these evaluations can be absorbed with current case management resources.

18 of these cases, following DYS assessment, will result in probation or 120 day shock with probation. (A potentially more desirable outcome than dual jurisdiction through the eyes of a youth and their counsel and therefore not likely new candidates for dual jurisdiction sentencing.)

7 already receive an assessment that results in dual jurisdiction as an outcome.

The final 18 certified cases currently project to have the Department of Corrections confinement as an outcome. Following a DYS assessment, these cases have a higher potential to result in new dual jurisdiction utilization.

The Division has historically been willing to work with very challenging youth. This would continue, however, DYS would expect the acceptance rate of 71% (avg. SFY 13, 14, 15, 16 to date) to drop with these new candidates as judges were previously evaluating these cases and selecting not to utilize the dual jurisdiction option rather than sending to DYS for the assessment.

Assuming the Division accepts these candidates at a rate of 60% vs 71% (11 new candidates) and judges order use of the program at an 85% rate (11 new candidates x .85 = 9 new DJ youth); the Division would expect an additional 9 new dual jurisdiction youth per year in addition to the 7 youth that would have entered in the existing structure.

Average age of commitment for dual jurisdiction youth over past 3 years = 16.8 years

Average length of stay for dual jurisdiction youth during that time = 4 years

9 youth x 4 years (average length of stay) = 36 dual jurisdiction beds needed over a 4 year cycle

ASSUMPTION (continued)

The resulting need is 24 new dual jurisdiction beds by the conclusion of a 4 year commitment cycle.

28 dual jurisdiction beds are necessary to accommodate a 4 year cycle of commitments within the current legal structure.

36 new dual jurisdiction youth are expected over a 4 year commitment cycle with enactment of this proposal.

DYS can absorb 12 of these youth with existing resources.

The total DJ youth in residential care plus 9 projected DJ youth entering care would result in the following:

FY 17 - 31	Absorb
FY 18 - 42	Absorb
FY 19 - 53	Need one group (Hillsboro)
FY 20 - 64	Need additional group (NWRYC)

The Division currently has space available at the Hillsboro Treatment Center, a secure care center, to add an additional group. The remaining group will have to be added through a renovation/expansion of the Northwest Regional Youth Center (NWRYC), also a secure care center.

The Division would need additional dollars for PS costs associated with staffing at Hillsboro Treatment Center and Northwest Regional Youth Center, as well as additional EE for startup and ongoing costs. The following is a breakdown associated with each facility and group:

Hillsboro Treatment Center

- 1 Special Education Teacher II
- 1 Group Leader
- 11 Youth Specialists
- Ongoing EE

Northwest Regional Youth Center

- 1 Special Education Teacher II
- 1 Group Leader
- 11 Youth Specialists
- Startup Costs
- Ongoing EE
- Total FTE: 26

ASSUMPTION (continued)

The Division estimates the costs to be \$62,271 in FY 18 for purchase of a bus and \$1,653,454 in FY 19 for personal service, fringe benefits and expense and equipment.

OA Design and Construction estimates cost to be \$1,000,000. Please refer to the OA submission for a breakdown of their estimate.

In summary, the Department of Social Services assumes a cost to GR of \$62,271 in FY 18 and the following costs when it is fully implemented in FY 20:

GR	= \$1,511,026
Other Funds	= \$ 108,730
Federal	= \$ 33,697
Total	= \$1,653,453

**Oversight** assumes the Department of Social Services provided information for only FY 2020 upon full implementation. Oversight requested from the Department of Social Services a breakout of cost for FY 19 and FY 20, however the Department has not provided information on our request. Therefore, Oversight assumes the following costs for FY 19 and FY 20 for the Department:

FY 19

GR	= (Up to \$1,511,026) with up to 23 FTE
Other Funds	= (Up to \$108,730) with up to 2 FTE
Federal	= (Up to \$33,696) with up to 1 FTE

FY 20

GR	= (Up to \$1,353,589) with up to 23 FTE
Other Funds	= (Up to \$107,225) with up to 2 FTE
Federal	= (Up to \$30,190) with up to 1 FTE

Officials at the **Department of Social Service's Division of Legal Services (DLS)** assume this legislation may encourage but will not require judges to place juveniles in the custody of DYS under the dual jurisdiction program. This could lead to a substantial increase in the number of youth in the dual jurisdiction program. DLS represents DYS in filing petitions and motions that are required to be filed in dual jurisdiction cases when a youth in DYS custody turns either 17 or 21 years of age. Because these motions and petitions are not usually complex and take only a few hours of attorney time to handle, DLS anticipates that the increase in the number of dual jurisdiction cases can be handled with current staff.

ASSUMPTION (continued)

Officials at the **Office of Administration** assume additional capital improvements, to accommodate the Department of Social Service's Division Youth Services (DYS) projection of additional youths to their program which will require renovation/expansion at the Northwest Regional Youth Center, for a 10 bed/3,600 square feet cottage/dormitory. The funds of \$1,000,000 would need to be appropriated in FY 18 for a completion date in FY 2020. Thus, HB 13 will need an appropriation increase to fund the operating cost for this new expansion.

In addition, OA-Facilities Management, Design and Construction will need additional operating cost to maintain this additional square footage of \$63,181. This will require the funds to be in HB 13 and appropriation authority in HB 5 in fiscal year 2020. The breakdown of the operating cost are as follows:

Personal Services for 1 FTE Maintenance Worker	\$29,883
Fringe	\$18,256
Fuel and Utilities	\$ 7,842
Maintenance and Repair	<u>\$ 7,200</u>
Total Operating Cost	\$63,181

**Oversight** spoke with officials at the Office of Administration. The original funds will be transferred from General Revenue (GR) (64%) and Federal (36%) into the State Facility Maintenance Operation Fund (SFMOF). Therefore, Oversight assumes the capital improvement amounts of \$640,000 and \$360,000 would be transferred out of GR and Federal respectively and into the SFMOF. The additional operating amount of \$40,436 and \$22,745 would be transferred out of GR and Federal respectively and into the SFMOF.

Officials at the **Office of the State Courts Administrator** and the **Department of Corrections** each assume no fiscal impact to their respective agencies from this proposal.

<u>FISCAL IMPACT -</u> <u>State Government</u> <b>GENERAL</b> <b>REVENUE</b>	FY 2017 (10 Mo.)	FY 2018	FY 2019	Fully Implemented (FY 2020)
<u>Transfer Out -</u> Capital Improvement for NWRYC	\$0	(\$640,000)	\$0	\$0
<u>Transfer Out -</u> Operating costs for maintenance	\$0	\$0	\$0	(\$40,436)
<u>Cost - DSS</u>				
Personal Service	\$0	\$0	(Up to \$760,265)	(Up to \$767,868)
Fringe	\$0	\$0	(Up to \$444,172)	(Up to \$448,614)
Equipment/Expense	\$0	<u>(\$62,271)</u>	<u>(Up to \$306,589)</u>	<u>(Up to \$137,108)</u>
<u>Total Costs</u>	<u>\$0</u>	<u>(\$62,271)</u>	<u>(Up to \$1,511,026)</u>	<u>(Up to \$1,353,589)</u>
FTE Change-DSS	0	0	Up to 23 FTE	Up to 23 FTE
 <b>ESTIMATED NET</b> <b>EFFECT ON</b> <b>GENERAL</b> <b>REVENUE</b>	 <b><u>\$0</u></b>	 <b><u>(\$702,271)</u></b>	 <b><u>(Up to \$1,511,026)</u></b>	 <b><u>(Up to \$1,353,589)</u></b>
 Net FTE change on General Revenue Fund	 0	 0	 Up to 23 FTE	 Up to 23 FTE



FISCAL IMPACT -  
State Government -  
 (continued)

	FY 2017 (10 Mo.)	FY 2018	FY 2019	Fully Implemented (FY 2020)
<b>STATE FACILITY            MAINTENANCE            OPERATION            FUND</b>				
<u>Transfer In - OA -</u> from General Revenue	\$0	\$640,000	\$0	\$40,436
<u>Cost - OA - for</u> capital improvement of NWRYC	\$0	(\$640,000)	\$0	\$0
<u>Cost - OA -</u> Operating costs for maintenance	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>(\$40,436)</u>
<b>ESTIMATED NET            EFFECT ON            STATE FACILITY            MAINTENANCE            OPERATION            FUND</b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>

**FISCAL IMPACT -**  
**State Government -**  
 (continued)

	FY 2017 (10 Mo.)	FY 2018	FY 2019	Fully Implemented (FY 2020)
<b>OTHER STATE FUNDS (various)</b>				
<u>Cost - DSS</u>				
Personal Service	\$0	\$0	(Up to \$66,392)	(Up to \$67,056)
Fringe	\$0	\$0	(Up to \$38,789)	(Up to \$39,177)
Equipment/Expense	<u>\$0</u>	<u>\$0</u>	<u>(Up to \$3,549)</u>	<u>(Up to \$992)</u>
<u>Total Costs</u>	<u>\$0</u>	<u>\$0</u>	<u>(Up to \$108,730)</u>	<u>(Up to \$107,225)</u>
FTE Change-DSS	0	0	Up to 2 FTE	Up to 2 FTE

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

	<u>\$0</u>	<u>\$0</u>	<u>(Up to \$108,730)</u>	<u>(Up to \$107,225)</u>
Net FTE change on Other State Funds (various)	0	0	Up to 2 FTE	Up to 2 FTE

FISCAL IMPACT -  
State Government -  
 (continued)

	FY 2017 (10 Mo.)	FY 2018	FY 2019	Fully Implemented (FY 2020)
--	---------------------	---------	---------	--------------------------------

**FEDERAL FUNDS**

Income - OA - facility cost for NWRYC	\$0	\$360,000	\$0	\$22,745
---	-----	-----------	-----	----------

Income - DSS - reimbursement of expenditures	\$0	\$0	Up to \$33,696	Up to \$30,190
--	-----	-----	----------------	----------------

Expense - OA - facility expenditures for NWRYC	\$0	(\$360,000)	\$0	(\$22,745)
--	-----	-------------	-----	------------

Cost - DSS				
Personal Service	\$0	\$0	(Up to \$16,957)	(Up to \$17,127)
Fringe	\$0	\$0	(Up to \$9,907)	(Up to \$10,006)
Equipment/Expense	<u>\$0</u>	<u>\$0</u>	<u>(Up to \$6,832)</u>	<u>(Up to \$3,058)</u>
Total Costs	<u>\$0</u>	<u>\$0</u>	<u>(Up to \$33,696)</u>	<u>(Up to \$30,190)</u>
FTE Change-DSS	0	0	Up to 1 FTE	Up to 1 FTE

**ESTIMATED NET  
 EFFECT ON  
 FEDERAL FUNDS**

	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
--	------------	------------	------------	------------

Net FTE change on Federal Funds	0	0	Up to 1 FTE	Up to 1 FTE
------------------------------------	---	---	-------------	-------------

FISCAL IMPACT -  
Local Government

	FY 2017 (10 Mo.)	FY 2018	FY 2019	Fully Implemented (FY 2020)
--	---------------------	---------	---------	--------------------------------

	<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.

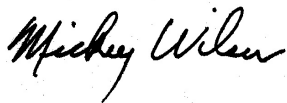
FISCAL DESCRIPTION

Under current law, the court must consider dual jurisdiction of both the criminal and juvenile codes when sentencing an offender who is under the age of 17 and a half and has been certified as an adult. This act specifies that the court must order an evaluation by the Division of Youth Services to determine whether dual jurisdiction is appropriate for the offender.

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  
Department of Social Services  
    Division of Youth Services  
    Division of Legal Services  
Department of Corrections  
Office of Administration



Mickey Wilson, CPA  
Director  
February 9, 2016

Ross Strobe  
Assistant Director  
February 9, 2016