

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0187-01
Bill No.: SB 40
Subject: Children and Minors; Courts; Crimes and Punishment; Courts, Juvenile
Type: Original
Date: January 27, 2017

Bill Summary: This proposal requires children under the age of 18 to be prosecuted for most criminal offenses in juvenile courts unless the child is certified as an adult.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND				
FUND AFFECTED	FY 2018	FY 2019	FY 2020	Fully Implemented (FY 2024)
General Revenue	(\$8,442,963)	(\$10,737,673)	(\$11,797,651)	(\$6,715,759)
Total Estimated Net Effect on General Revenue	(\$8,442,963)	(\$10,737,673)	(\$11,797,651)	(\$6,715,759)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS				
FUND AFFECTED	FY 2018	FY 2019	FY 2020	Fully Implemented (FY 2024)
Other State Funds	(\$1,339)	(\$591,868)	(\$1,999,607)	(\$1,962,395)
Capital Improvement	(\$8,353,302)	\$0	\$0	\$0
State Facilities Main	\$0	\$0	(\$65,511)	(\$448,903)
Total Estimated Net Effect on Other State Funds	(\$8,354,641)	(\$591,868)	(\$2,065,118)	(\$2,411,298)

Numbers within parentheses: () indicate costs or losses. This fiscal note contains 18 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS				
FUND AFFECTED	FY 2018	FY 2019	FY 2020	Fully Implemented (FY 2024)
Federal*	\$0	\$0	\$0	\$0
Total Estimated Net Effect on All Federal Funds	\$0	\$0	\$0	\$0

*Distribution increases (decreases) net to zero.

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)				
FUND AFFECTED	FY 2018	FY 2019	FY 2020	Fully Implemented (FY 2024)
General Revenue	60 FTE	96 FTE	141 FTE	141 FTE
Other State Funds	0 FTE	4 FTE	16 FTE	16 FTE
Federal Funds	1 FTE	2 FTE	5 FTE	5 FTE
State Facilities Main	0 FTE	0 FTE	1 FTE	4 FTE
Total Estimated Net Effect on FTE	61 FTE	102 FTE	163 FTE	166 FTE

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 2018	FY 2019	FY 2020	Fully Implemented (FY 2024)
Local Government	\$0	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials at the **Office of Administration's Facilities Management, Design and Construction (FMDC)** assume this legislation will affect the FMDC's Capital Improvement and Operating Budget. To accommodate Social Services, Youth Services' projection of additional youths to their program this will require OA-FMDC to construction new space at various sites statewide for residential type facilities. In additional FMDC will require day-to-day maintenance staff and operating cost to include fuel & utilities.

New Construction will include (3-yr time frame - completion FY2021)

- " 24 bed Moderate facility - St. Louis - with cafeteria/gymnasium **\$4,375,302**
- " 12 bed Moderate facility - Kansas City - with cafeteria/gymnasium **\$2,958,000**

Renovation will include (2-yr time frame - completion FY2020)

- " Expand Northwest Regional Center - with a new 27 beds dorm and new classroom over a three-year period - **\$1,020,000**

Total construction cost for new youth center and renovation to existing sites. Actual needs to be determined examples include: administrative offices, dormitory, day room, kitchen, cafeteria/gym, laundry, bathrooms, and classrooms. Also, construct a maintenance building, storage and vocational technology building. Cost to include: buildings, property purchase and parking lot. This legislation will require a New Decision Item in the Capital Improvement Budget in FY2018.

TOTAL CONSTRUCTION COST = \$8,353,302 (\$4,375,302 + \$2,958,000 + \$1,020,000)

Day-to-Day Maintenance and Operating cost for Fiscal Year 2020 occupancy of new expansion at Northwest Regional Youth Campus:

Maintenance Worker II = 1 FTE - \$30,175
Fringe Benefits = \$18,546
Day-to-Day E&E/F&U = \$16,042
TOTAL Day-to-Day cost 2020 = \$64,763 for HB13

Day-to-Day Maintenance and Operating cost include for FY2021 occupancy of new construction sites within St. Louis & Kansas City area:

Maintenance Worker II = 2 FTE - \$60,953
Maint Supv II = 2 FTE - \$80,363
Fringe Benefits = \$79,811
One-Time Startup Maintenance Equipment = \$209,194
One-Time Ofc Computer/Monitor/chairs, etc. = \$20,412
Day-to-Day E&E/F&U = \$203,098

ASSUMPTION (continued)

TOTAL Day-to-Day cost for 2019 = \$653,831 for HB13.

Officials at the **Department of Social Services (DSS)** assume this proposal modifies the definitions of "adult" and "child" for the purposes of Chapter 211 RSMo. Presently, a person seventeen years of age and older is considered an adult and not a child for the purposes of the Juvenile Code. Under Section 211.021, the definition of an adult would now be changed to mean a person eighteen years of age or older. The definition of a child would now be modified from a person under 17 years of age to a person under 18 years of age. These changes bring the definitions of child and adult used in Juvenile and Family Court jurisdiction in line with Section 210.110 definitions, which are applied throughout Chapter 210. The definition of "status offense" is removed from Section 211.021. Because subsection 2 of Section 211.021 is deleted, the changes in Section 211.021 will become effective as of the date they are enacted into law. As a result of the change in the definition of child, Section 211.030.1(3) will now extend juvenile jurisdiction over delinquent youth until they attain the age of eighteen.

As a result of the change in the definition of child, Section 211.031.1(2) will also now extend juvenile jurisdiction over children seventeen years of age who were previously too old to be considered as status offenders.

Sections 211.033 and 221.044 are amended to provide that no persons under the age of eighteen years, except those transferred to the court of general jurisdiction under the provisions of section 211.071, shall be detained in a jail or other adult detention facility as that term is defined in section 211.151. A traffic court judge may request the juvenile court to order the commitment of a person under the age of eighteen to a juvenile detention facility.

Section 211.071 is amended to provide that if a petition alleges that a child who is at least sixteen years of age has committed an offense which would be considered first degree murder under section 565.020, second degree murder under section 565.021, first degree assault under section 565.050, forcible rape under section 566.030 as it existed prior to August 28, 2013, rape in the first degree under section 566.030, forcible sodomy under section 566.060 as it existed prior to August 28, 2013, sodomy in the first degree under section 566.060, first degree robbery under section 569.020 as it existed prior to January 1, 2017, or first degree robbery under section 570.023, the court may, upon its own motion or upon motion by the juvenile officer, the child or the child's custodian, order a hearing, and may in its discretion, dismiss the petition and transfer the child to a court of general jurisdiction for prosecution under the general law. Children who are between 12 to 15 years of age, inclusive, will no longer be subject to certification to stand trial as adults.

ASSUMPTION (continued)

Section 211.073 is amended to provide that an offender who is under the age of eighteen and who has been certified to stand trial as an adult may receive both an adult sentence and a juvenile disposition. When an offender, who has been sentenced under this dual jurisdiction statute, reaches the age of eighteen, the court is required to hold a hearing in order to review the offender's commitment to DYS.

This law modifies the age of juveniles who will be subject to the jurisdiction of the juvenile court. Other than extending juvenile jurisdiction over seventeen-year-olds for what were previously considered to be status offenses, there will not be a significant effect on the jurisdiction of the juvenile court as it relates to foster children. However, this legislation will significantly affect the jurisdiction of the juvenile court relating to delinquent juveniles by extending the juvenile jurisdiction up until the age of eighteen for youth who are adjudicated as delinquent youth.

DLS

The Division of Legal Services anticipates that there will be a direct fiscal impact on DYS and DLS as a result of this legislation.

The proposed legislation will have a fiscal impact on the Division of Legal Services (DLS). The Division of Legal Services provides legal advice and representation to both the Division of Youth Services (DYS) and the Children's Division (CD). The impact on the Children's Division will not result in the need for any significant increase in the need for legal representation other than what it currently requires. However, the Division of Legal Services can anticipate a significant increase in the number of case referrals from the Division of Youth Services relating to motions to extend jurisdiction for youth when they reach the age of eighteen and relating to motions for dual jurisdiction youth.

Extending the age of jurisdiction over delinquent youth to the age of eighteen may result in an increased number of youth committed to the custody of the Division of Youth Services. This will result in an increased need for legal advice and assistance from the Division of Legal Services. Past projections by DYS indicate that it could receive approximately 339 new seventeen-year-old youth needing DYS services on a yearly basis. A certain percentage of these youth will require residential placement. Although some of these 339 seventeen-year-old youth will be able to complete their services prior to their eighteenth birthday, a substantial number will require continued services beyond their eighteenth birthday. If between 70-75% of these youth require services beyond their eighteenth birthday, this will result in approximately 250 referrals to the Division of Legal Services for motions to extend jurisdiction beyond the youth's eighteenth birthday. Assuming a need for court appearances on each of these cases, each referral would require about ten hours of attorney time or approximately 2500 hours of attorney time on a yearly basis.

ASSUMPTION (continued)

In addition, this legislation may result in an increase in the number of dual jurisdiction cases. If the number of dual jurisdiction cases doubles for this age group, then the Division of Legal Services may anticipate an increase of approximately twenty-five new referrals for dual jurisdiction youth. Because dual jurisdiction cases are more complex, it may be anticipated that each new case may take up to twenty hours of attorney time or approximately 500 hours of attorney time on a yearly basis.

The total hours necessary to handle the extensions of jurisdiction and the dual jurisdiction cases would therefore result in the need for approximately 3000 hours of attorney time. Based upon 2040 work hours per attorney on a yearly basis, this will result in a need for approximately 1.5 new FTE for the Division of Legal Services.

Section 210.110 already defines "child" as a person under eighteen years of age for the purposes of laws addressing abused and neglected children. Section 211.031.1(1) provides that the juvenile or family court jurisdiction shall extend to any child or person seventeen years of age who is found in the state and alleged to be in need of care and treatment, whether due to abuse, neglect, being homeless, being in need of mental health services that the parent or guardian cannot afford or access on behalf of the child, being repeatedly absent from school or home without cause or justification, or who has violated state laws or committed a status offense. This means that the juvenile court is already authorized to extend jurisdiction over a youth who is seventeen years of age. By changing the definition of "child" in Chapter 211 to include persons who are seventeen years of age, this will harmonize provisions within Chapter 210. It would not significantly impact the Children's Division or the representation of staff or litigation conducted by DLS. The rest of CD's programs and services, including those for abused or neglected children, family preservation, adoption, child care, or requests made under the Interstate Compact for the Placement of Children are already provided to youths up until the time they turn eighteen, or if currently-existing provisions of law apply, may be extended up to the time the youth turns twenty-one years of age. Section 211.031.1(2) will now extend juvenile jurisdiction over children seventeen years old: (a) who are subject to compulsory school attendance and who are repeatedly and without justification absent from school; or (b) who disobey the reasonable and lawful directions of his or her parents or other custodian and is beyond their control; (c) who are habitually absent from his or her home without sufficient cause, permission, or justification; (d) whose behavior or associations are otherwise injurious to his or her welfare or to the welfare of others; and (e) who are "charged with an offense not classified as criminal". This legislation should not have substantial fiscal impact on the Children's Division and will not require the Division of Legal Services to provide increased representation to CD.

DLS defers to CD and DYS for their analysis of the fiscal cost on each agency.

DLS anticipates that there will be a continuing need for additional legal services each year if the estimated number of cases is reached.

ASSUMPTION (continued)

CD

Children's Division does not anticipate an impact from this legislation.

DYS Impact

The Division of Youth Services (DYS) assumes that raising the age of criminal majority to eighteen will likely result in 335 new traditionally committed youth as well as 4 new dual jurisdiction youth committed to DHS per year. The division anticipates a fiscal impact in FY 18 of \$13,394, FY 19 of \$6,561,828, FY 20 of \$6,426,065 and will be fully implemented in FY21 for a total cost of \$6,754,281 (including one-time costs and all staff). Note that this could be delayed depending on when the facilities are ready and other factors.

RESIDENTIAL TREATMENT

Traditional Commitments

DYS anticipates no fewer than 335 new traditionally committed youth per year from the juvenile court system as a result of this legislation. This assumption is based on SFY 2016 data of 16 year old youth committed as well as data received from the Department of Corrections. This data is thought to be representative of a new baseline in juvenile justice as varying initiatives and diversion programs have worked to reduce the number of youth penetrating the deep-end of the juvenile justice system. The division would require an additional 122 beds to serve this new population. The projected additional beds were arrived at through the following methodology:

DATA

- 2,221 average youth served/FY 16
- 1,356 average youth served in the DHS at a given point in time FY16 or 61.05% of 2,221
- 653 average youth in DHS residential care at a given point in time FY16 or 48.16% of 1,356

PROJECTION

- $2,221 + 335 \text{ new youth} = 2,556 \text{ youth projected to be served per year}$
- $2,556 \times 61.05\% = 1,561 \text{ youth to be served at a given point in time}$
- $1,561 \times 48.16\% = 752 \text{ youth in residential care at a given point in time}$

752 youth projected in residential care - 630 (currently the overflow of traditionally committed youth are utilizing existing dual jurisdiction designated beds which will be needed for dual jurisdiction under the new language) existing bed spaces for traditionally committed youth = 122 additional beds for the new traditionally committed youth.

Dual Jurisdiction Commitments

Information received from the Department of Corrections indicates that in FY16, forty-two (42) violent offenders aged 17 at the time of the offense entered the Department. Given the proposed change to the criteria for certification eligibility, the additional 42 listed above would represent the new candidate pool for certification eligibility. The division assumes 33% would be certified

ASSUMPTION (continued)

to adult court. This results in 14 additional certified youth bringing the projected total to 64 (see Data below). 64 multiplied by 30%, the current percentage of certifications resulting in orders for dual jurisdiction assessment, projects a new assessment total of 19. In SFY 16, those dual jurisdiction assessments resulted in commitments 80% of the time. Applying this methodology 19 ordered assessments would result in a total of 16 total dual jurisdiction commitments for the year with average lengths of stay anticipated to be three years. This represents 4 new dual jurisdiction youth committed each year with three year lengths of stay.

DATA

- 50 youth certified - FY16 (most recent data available)
- 15 dual jurisdictions assessments ordered SFY 16 or 30% of certified youth
- 12 youth from SFY 16 ordered assessments accepted and committed to dual jurisdiction or 80%

PROJECTION

50 certifications FY16
 + 14 new certifications (42 new 17 yr. old candidates X 33% assumed certification rate)
 64 projected youth certified under this proposal

- $64 \times 30\%$ (rate of assessments ordered) = 19 dual jurisdiction assessments ordered
- $19 \times 80\%$ = 16 youth accepted and committed to dual jurisdiction
- 16 - 12 that would have come to the division in the existing structure = 4 additional dual jurisdiction youth committed to DYS/year

The division has forty beds designated for service to dual jurisdiction youth. Twenty-four of those beds are occupied by dual jurisdiction youth committed under the existing law with average lengths of stay at four years. Under this proposal it is anticipated that the average age of a dual jurisdiction commitment will increase causing the average length of stay of the new population to decrease to 3 years. The additional 4 youth per year with a 3 year average length of stay would lead to a need of 54 dual jurisdiction secure beds at the peak of the cycle in SFY 20. In SFY 21 the final 6 dual jurisdiction youth with a 4 year average length of stay will exit. 48 dual jurisdiction secure beds will be necessary thereafter.

	FY 18	FY 19	FY 20	FY 21
Existing DJ Youth	24	34	44	54
+New DJ Youth	16	16	16	16
-anticipated DJ Youth exits	-6	-6	-6	-22
DJ Beds Needed	34	44	54	48

DYS will place the need at 54 total beds to adequately serve this population under this proposal.

ASSUMPTION (continued)

Residential Care Needs

The division can absorb 63 of the 122 beds needed for traditionally committed youth with existing resources by increasing the number of youth per group to 11. An additional 59 beds for traditionally committed youth will be required. The division would need a total of 54 beds to serve dual jurisdiction youth. The division has capacity currently to serve 40. 24 are filled with existing dual jurisdiction youth. 16 can be served with the existing capacity. 14 new dual jurisdiction beds are needed.

59 new beds for traditional commitments
+ 14 new beds for dual jurisdiction commitments
73 total beds required

The division has existing physical plant space at Hillsboro Treatment Center, Montgomery City Youth Center and Green Gables Facility. Two secure care groups (22) and one moderate care group (11) could be established through the use of these sites. The remaining groups would have to be added through a combination of renovation/expansion of existing facilities and construction of new facilities. The following is a list of all facilities and locations:

Hillsboro Treatment Center (secure care) reopen cottage - 1 group
Montgomery City Youth Center (secure care) reopen cottage - 1 group
Green Gables (moderate care) reopen facility - 1 group
Northwest Regional Youth Center (secure care) renovation/expansion - 1 group
New moderate care facility in the Florissant/Hazelwood area - 2 groups
New moderate care facility in the Kansas City area - 1 group

The Office of Administration, Facilities Management Design and Construction, estimates the renovation/expansions and new facilities to be completed no sooner than four fiscal years. The division anticipates the first year of commitments to be around 50% to 60% of total estimated new commitments; therefore, the residential costs would be absorbed in FY18. The additional groups in Hillsboro, Montgomery City, and at Green Gables would result in a need of additional PS and EE in FY 19. The division would need additional contractual care dollars in the amount of \$3,660,220 (46 youth x \$218 average cost per day x 365 days) in FY 19 during the renovation/expansion and new construction phase. In FY 20 and beyond the contractual care cost would reduce to \$2,940,568.

The division would need additional dollars in FY 20 for personal service costs associated with staffing while new and renovated facilities as well as additional equipment and expense for start-up and ongoing costs.

ASSUMPTION (continued)

The following is a breakdown associated with each facility and group:

- Hillsboro Treatment Center (secure care) 14 FTE; ongoing EE, existing space reopened with modified start-up costs
- Montgomery City Youth Center (secure care) 14 FTE; ongoing EE, existing space reopened with modified start-up costs
- Green Gables (moderate care) 15 FTE; ongoing EE, existing space reopened, full start-up costs
- Northwest Regional Youth Center (secure care) 14 FTE; ongoing EE, renovation of existing structure, modified start-up
- New moderate care facility in the Florissant/Hazelwood area - 29 FTE; ongoing EE, new construction, full start-up costs
- New moderate care facility in the Kansas City area - 15 FTE; ongoing EE, new construction, full start-up costs

CASE MANAGEMENT

It is assumed that enactment of SB 40 will result in an additional 335 traditionally committed youth and an additional 4 youth committed under the dual jurisdiction statute equaling 339 new entrants over the course of a year. The present caseload standard set by the division is 18. Our data suggests that the additional 339 youth added to the division over the course of a year will result in approximately 200 additional youth being served at a given point in time. These 200 youth could be absorbed with existing case management resources.

DAY TREATMENT

The DYS's data and projections indicate that the addition of '335'- 17 year old youth to the division would result in the need for day treatment service to 8 additional youth at a given time. Our existing day treatment sites can serve an additional 8 youth with existing resources.

ASSOCIATED YOUTH SERVICE COSTS

Upon commitment to the division, youth are placed in juvenile detention facilities by the committing court to await placement. Based on the current average cost per day and yearly usage, the division estimates a need of an additional \$26,787 per year for costs related to detention stays.

Officials at the **Department of Corrections** assume the following cost avoidance for this proposal:

FY 2018 - \$2,434,105

FY 2019 - \$5,958,689

FY 2020 - \$9,116,794

FY 2024 - \$14,014,623 (Fully Implemented)

ASSUMPTION (continued)

This legislation requires children under the age of 18 to be prosecuted for most criminal offenses in juvenile court unless certified as an adult.

The bill will raise the age from 17 to 18 for children to be sentenced in adult court (211.071) and reduces the offenses for which a child under 18 can be certified as an adult (211.071). The bill will allow only children of 16 and 17 to be tried in adult court for the offenses of first degree murder, second degree murder, first degree rape, first degree sodomy and first degree robbery. This is a major change to the bill submitted in the FY16 legislative session (SB685). That bill increased the age of a child who could be tried in adult court to 18 but allowed children from 12 to 17 to be certified as an adult for the commission of a felony.

The impact can be calculated based upon the number of offenders who were under 18 at the time of the offense admitted to prison or placed upon probation in FY16. Only those young offenders who were convicted of one of the serious violent offenses and who were at least 16 at the time of the offense will be admitted to prison or placed on probation after the bill is enacted. Prison admissions will be reduced by 306 offenders and probation openings by 474 (table 3).

Table 1. New admissions of offenders under 18 at time of the offense

Age	FY2014			FY2015			FY2016		
	Nonviolent	Violent	Total	Nonviolent	Violent	Total	Nonviolent	Violent	Total
New Admissions									
13	-	-		1	-	1	2	-	2
14	2	-	2	1	-	1	1	-	1
15	7	3	10	9	1	10	3	2	5
16	27	8	35	24	5	29	17	6	23
17	392	24	416	316	25	341	281	21	302
Total	428	35	463	351	31	382	304	29	333
Probation									
13	1	-	1						
14	2	-	2				2	1	3
15	5	-	5	3	1	4	11	2	13
16	15	-	15	19	4	23	20	1	21
17	497	10	507	403	5	408	438	5	443
Total	520	10	530	425	10	435	471	9	480
Total DOC	948	45	993	776	41	817	775	38	813

The DOC has been receiving fewer young offenders, particularly for prison sentences, but the number received for the serious violent offenses has not changed by as much. Using the intake in FY16, after the bill is enacted the DOC can expect to receive 27 young offenders to serve a prison sentence and 6 to serve probation. The remainder will be sentenced in juvenile court. The average sentence of those young offenders who will not be sentenced in adult court is 6.5 years and the expected time served to first release is 2.7 years (40.8% of the sentence). In addition to the time served to first release there will be some young offenders who will be

ASSUMPTION (continued)

revoked from parole and serve additional time in prison as parole returns. This is estimated as 42% of the time remaining of the sentence after first release and the total time in prison is 4.3 years. The estimate of time served in prison is based upon time served by offenders released in FY16. Offenders sentenced to probation are expected to serve three years of a probation term of five years because most of the offenders will be eligible for early discharge after earning compliance credits.

Table 2. New admissions in FY16

	New Admissions	Average Sentence (years)	Percent Sentence Served	Time to First Release	Parole Returns	Total Prison Time	Parole
Violent (16 & 17)	27	16.1	75.5%	12.1	1.7	13.8	1.9
Other offenders	306	6.5	40.8%	2.7	1.6	4.3	1.8
Total	333	7.9	62.5%	4.1	1.6	5.7	1.8

The impact of fewer young offenders being received by the DOC is estimated at a total reduction in the prison population of 1,316 and a reduction in the number of offenders on probation and parole of 1,986. The full decrease in the prison and field populations will occur after six years.

Table 3. Impact upon the DOC prison and field population

	FY18	FY19	FY20	FY21	FY22	FY23	FY24	FY25	FY26	FY27
Admissions & probation										
Admissions	-306	-306	-306	-306	-306	-306	-306	-306	-306	-306
Releases to parole					-214	-306	-306	-306	-306	-306
Probation	-474	-474	-474	-474	-474	-474	-474	-474	-474	-474
Prison and Field Population (admissions * length of stay)										
Prison	-306	-612	-918	-1,224	-1,316	-1,316	-1,316	-1,316	-1,316	-1,316
Parole	-	-	-	-	-214	-520	-564	-564	-564	-564
Probation	-474	-948	-1,422	-1,422	-1,422	-1,422	-1,422	-1,422	-1,422	-1,422
Impact										
Prison	-306	-612	-918	-1,224	-1,316	-1,316	-1,316	-1,316	-1,316	-1,316
Field	-474	-948	-1,422	-1,422	-1,636	-1,942	-1,986	-1,986	-1,986	-1,986

Officials at the **Office of the State Courts Administrator** assume the proposed legislation requires children under the age of 18 to be prosecuted for most criminal offenses in juvenile courts unless the child is certified as an adult.

While it is not possible to quantify the impact of this change exactly, it would be significant. It would cause a significant workload and fiscal impact on the courts. It is anticipated there would be approximately 1,814 additional juvenile law violations annually and 2,513 status violations in the 34 multi-county circuits, 38th and 46th circuits.

ASSUMPTION (continued)

Based upon projected additional violations in the 34 multi-county circuits in Missouri, the FY17 estimated juvenile personnel cost in these circuits would be \$2,526,192 (37 juvenile officer FTE). In addition, the ten single county circuit juvenile referrals on average are 47% higher resulting in a total cost of \$4,840,455. In addition, there would be added training cost for all new juvenile officer staff of \$192,184, program cost for multi county circuits of \$1,307,600 and program cost for single county circuits of \$1,922,200. The total cost would be \$10,788,631.

Below is a breakdown of the costs:

Multi Circuits*

	FTE	Salary	Total	Fringes	Total
Juvenile Officer (Law Violation)	17	\$44,352	\$753,984	\$406,699	\$ 1,160,683
Juvenile Officer (Status Offender)	20	\$44,352	\$887,040	\$478,496	\$ 1,365,509
				Total	\$ 2,526,192

Single Circuits*

Juvenile Officer (47% greater number of referrals than multi-county circuits)					\$ 1,706,204
Status Offender (47% greater number of referrals than multi-county circuits)					\$ 2,007,299
Detention Aid	22	\$32,628	\$717,816	\$409,136	<u>\$ 1,126,952</u>
				Total	\$ 4,840,455
Training for all new juvenile officer staff					\$ 192,184
Program Cost for multi county circuit (((\$350 per juvenile (1,546 + 2,190)*\$350))					\$ 1,307,600
Program Cost for single county circuit (((\$350 per juvenile (2,273 + 3,219)*\$350))					<u>\$ 1,922,200</u>
Total Cost					\$10,788,631

* Note: The 34 multi-county, 38th and 46th circuits are state paid, the single county circuits are reimbursed by the state.

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

<u>FISCAL IMPACT -</u> <u>State Government</u>	FY 2018 (10 Mo.)	FY 2019	FY 2020	Fully Implemented (FY 2024)
GENERAL REVENUE				
<u>Savings - DOC - cost avoidance/reduction in prison population requiring supervision</u>	\$2,434,105	\$5,958,689	\$9,116,794	\$14,014,623
<u>Cost - DSS</u>				
Personal Service	(\$45,461)	(\$1,289,995)	(\$4,220,437)	(\$4,391,804)
Fringe Benefits	(\$23,846)	(\$765,557)	(\$2,102,102)	(\$2,153,135)
Equipment/Expense	(\$19,130)	(\$3,852,179)	(\$3,803,275)	(\$3,396,812)
<u>Total Cost - DSS</u>	<u>(\$88,437)</u>	<u>(\$5,907,731)</u>	<u>(\$10,125,814)</u>	<u>(\$9,941,751)</u>
FTE Change DSS	1 FTE	37 FTE	82 FTE	82 FTE
<u>Costs - OSCA</u>				
Personal Service	(\$2,358,840)	(\$2,358,840)	(\$2,358,840)	(\$2,358,840)
Fringe Benefits	(\$1,294,304)	(\$1,294,304)	(\$1,294,304)	(\$1,294,304)
Equipment/Expense	(\$7,135,487)	(\$7,135,487)	(\$7,135,487)	(\$7,135,487)
<u>Total Costs - OSCA</u>	<u>(\$10,788,631)</u>	<u>(\$10,788,631)</u>	<u>(\$10,788,631)</u>	<u>(\$10,788,631)</u>
FTE Change - OSCA	59 FTE	59 FTE	59 FTE	59 FTE
ESTIMATED NET EFFECT ON GENERAL REVENUE	<u>(\$8,442,963)</u>	<u>(\$10,737,673)</u>	<u>(\$11,797,651)</u>	<u>(\$6,715,759)</u>
Estimated Net FTE Change for General Revenue Fund	60 FTE	96 FTE	141 FTE	141 FTE

FISCAL IMPACT -
State Government (continued)
OTHER STATE FUNDS (various)

	FY 2018 (10 Mo.)	FY 2019	FY 2020	Fully Implemented (FY 2024)
<u>Cost - DSS</u>				
Personal Service	\$0	(\$124,877)	(\$821,829)	(\$855,199)
Fringe Benefits	\$0	(\$78,420)	(\$409,669)	(\$419,606)
Equipment/Expense	<u>(\$1,339)</u>	<u>(\$388,571)</u>	<u>(\$768,109)</u>	<u>(\$687,590)</u>
Total Cost - DSS	<u>(\$1,339)</u>	<u>(\$591,868)</u>	<u>(\$1,999,607)</u>	<u>(\$1,962,395)</u>
FTE Change DSS	0 FTE	4 FTE	16 FTE	16 FTE

ESTIMATED NET EFFECT ON OTHER STATE FUNDS (various)

<u>(\$1,339)</u>	<u>(\$591,868)</u>	<u>(\$1,999,607)</u>	<u>(\$1,962,395)</u>	
Estimated Net FTE Change for Other State Funds (various)	0 FTE	4 FTE	16 FTE	16 FTE

FEDERAL FUNDS

<u>Income - DSS - increase in program reimbursements</u>	\$52,687	\$186,471	\$598,306	\$593,233
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<u>Cost - DSS</u>				
Personal Service	(\$24,479)	(\$57,419)	(\$265,385)	(\$276,161)
Fringe Benefits	(\$17,598)	(\$37,715)	(\$130,572)	(\$133,781)
Equipment/Expense	<u>(\$10,610)</u>	<u>(\$91,337)</u>	<u>(\$202,349)</u>	<u>(\$183,291)</u>
Total Cost - DSS	<u>(\$52,687)</u>	<u>(\$186,471)</u>	<u>(\$598,306)</u>	<u>(\$593,233)</u>
FTE Change DSS	1 FTE	2 FTE	5 FTE	5 FTE

ESTIMATED NET EFFECT ON FEDERAL FUNDS

<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	
Estimated Net FTE Change for Federal Funds	1 FTE	2 FTE	5 FTE	5 FTE

<u>FISCAL IMPACT - State Government</u> (continued)	FY 2018 (10 Mo.)	FY 2019	FY 2020	Fully Implemented (FY 2024)
CAPITAL IMPROVEMENT FUND				
<u>Cost - for new construction/renovation to accommodate DSS/DYS</u>				
	<u>(\$8,353,302)</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
ESTIMATED NET EFFECT OF CAPITAL IMPROVEMENTS FUND				
	<u>(\$8,353,302)</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
STATE FACILITIES MAINTENANCE OPERATIONS FUND (SFMOF)				
<u>Costs - FMDC</u>				
Personal Service	\$0	\$0	(\$30,175)	(\$145,598)
Fringe Benefits	\$0	\$0	(\$19,294)	(\$84,591)
Equipment/Expense	<u>\$0</u>	<u>\$0</u>	<u>(\$16,042)</u>	<u>(\$218,714)</u>
<u>Total Costs - FMDC</u>	<u>\$0</u>	<u>\$0</u>	<u>(\$65,511)</u>	<u>(\$448,903)</u>
FTE Change - FMDC	0 FTE	0 FTE	1 FTE	4 FTE
ESTIMATED NET EFFECT ON SFMOF				
	<u>\$0</u>	<u>\$0</u>	<u>(\$65,511)</u>	<u>(\$448,903)</u>
Estimated Net FTE Change for SFMOF				
	0 FTE	0 FTE	1 FTE	4 FTE
 <u>FISCAL IMPACT - Local Government</u>				
	FY 2018 (10 Mo.)	FY 2019	FY 2020	Fully Implemented (FY 2024)
	<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, children who are 17 years of age are prosecuted for criminal offenses in courts of general jurisdiction. This act provides that, unless the child is certified as an adult or is being prosecuted for a traffic or curfew violation, children who are 17 years of age must be prosecuted in the juvenile court system.

This act repeals a provision of current law making certain amendments to definitions relating to juvenile courts effective upon appropriations by the General Assembly for juvenile officers.

Under this act, no person under the age of 18 may be detained in an adult jail unless the person has been certified as an adult.

Current law allows offenders who are under 17 and a half years of age and have been certified as adults to be eligible for dual jurisdiction of both the juvenile and adult criminal codes. Dual jurisdiction allows an offender who has been found guilty in an adult court to complete a juvenile sentence in a Division of Youth Services facility. This act provides that offenders under the age of 18 are eligible for the program.

Currently, children between the ages of 12 and 17 who have committed a felony can be prosecuted in a court of general jurisdiction rather than the juvenile court. If a child between the ages of 12 and 17 has committed certain specified crimes, the court must hold a hearing under current law to determine whether the child should be prosecuted in a court of general jurisdiction. Under this act, only children ages 16 and 17 may be prosecuted in a court of general jurisdiction and only if they have committed certain specified crimes. This act removes the mandatory hearing. Instead, the hearing to transfer the case from the juvenile court is upon motion of the court, the juvenile officer, the child, or the child's custodian.

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

SOURCES OF INFORMATION

Office of the State Courts Administrator
Department of Social Services
Department of Corrections
Department of Public Safety
Office of Prosecution Services
Office of the State Public Defender
Department of Mental Health
Office of Administration
Facilities Management, Design and Construction



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January 27, 2017

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January 27, 2017