

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1396S.01I
 Bill No.: SB 406
 Subject: Crimes and Punishment; Courts; Children and Minors; Department of Corrections;
 Division of Youth Services
 Type: Original
 Date: March 5, 2023

Bill Summary: This proposal modifies provisions relating to the certification of juveniles for trial as adults.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2024	FY 2025	FY 2026
General Revenue*	(Unknown)	(Unknown)	(Unknown)
Total Estimated Net Effect on General Revenue*	(Unknown)	(Unknown)	(Unknown)

*Oversight assumes the cost of modifying provisions relating to the certification of juveniles for trial as adults would not exceed the \$250,000 threshold each year.

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2024	FY 2025	FY 2026
Total Estimated Net Effect on <u>Other State Funds</u>	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2024	FY 2025	FY 2026
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2024	FY 2025	FY 2026
Total Estimated Net Effect on FTE	0	0	0

- Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.
- Estimated Net Effect (savings or increased revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2024	FY 2025	FY 2026
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Corrections (DOC)** assume this proposal modifies provisions relating to the certification of juveniles for trial as adults.

Federal Prison Rape Elimination Act (PREA) standards require offenders housed in the DOC under the age of 18 to be site and sound separated from offenders over the age of 18. The proposed language in section 217.345, would move the state physical separation age threshold from 18 to 19. Should this legislation pass, in order to be compliant with both federal and state law, the DOC would need to establish a separate unit for offenders over 18 years of age but under 19 years of age.

It is unknown how many juveniles will be transferred to a court of general jurisdiction and it is unknown the number of those convicted of armed criminal action; therefore, the DOC will have to assume an unknown fiscal impact.

* If this impact statement has changed from statements submitted in previous years, it could be due to an increase/decrease in the number of offenders, a change in the cost per day for institutional offenders, and/or an increase in staff salaries.

If the projected impact of legislation is less than 1,500 offenders added to or subtracted from the department's institutional caseload, the marginal cost of incarceration will be utilized. This cost of incarceration is \$26.024 per day or an annual cost of \$9,499 per offender and includes such costs as medical, food, and operational E&E. However, if the projected impact of legislation is 1,500 or more offenders added or removed to the department's institutional caseload, the full cost of incarceration will be used, which includes fixed costs. This cost is \$87.46 per day or an annual cost of \$31,921 per offender and includes personal services, all institutional E&E, medical and mental health, fringe, and miscellaneous expenses. None of these costs include construction to increase institutional capacity.

DOC's cost of probation or parole is determined by the number of P&P Officer II positions that are needed to cover its caseload. The DOC average district caseload across the state is 51 offender cases per officer. An increase/decrease of 51 cases would result in a cost/cost avoidance equal to the salary, fringe, and equipment and expenses of one P&P Officer II. Increases/decreases smaller than 51 offender cases are assumed to be absorbable.

In instances where the proposed legislation would only affect a specific caseload, such as sex offenders, the DOC will use the average caseload figure for that specific type of offender to calculate cost increases/decreases.

Oversight does not have information to the contrary and therefore, Oversight will reflect a negative unknown estimate as provided by the DOC.

Officials from the **Office of State Courts Administrator (OSCA)** state there may be some impact but there is no way to quantify that currently. Any significant changes will be reflected in future budget requests.

Officials from the **Department of Social Services**, the **Office of the State Public Defender** and the **Missouri Office of Prosecution Services** each assume the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

Officials from the Attorney General’s Office did not respond to **Oversight’s** request for fiscal impact for this proposal.

Oversight notes the number of juveniles certified to adult court over the last 5 years:

<u>JUVENILE CASES DISPOSED BY DISPOSITION</u>						
	<u>2021</u>	<u>2020</u>	<u>2019</u>	<u>2018</u>	<u>2017</u>	<u>5yr. Avg.</u>
Certified to Adult Court	36	32	48	41	60	43
Source: Table 56 of OSCA's Annual Report Supplement						

<u>FISCAL IMPACT – State Government</u>	FY 2024	FY 2025	FY 2026
GENERAL REVENUE			
<u>Cost</u> – DOC – potential increase in incarceration costs	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>

<u>FISCAL IMPACT – Local Government</u>	FY 2024	FY 2025	FY 2026
	<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, a child between the ages of 12 and 18 can be certified for trial as an adult for a certain felony offenses. This act changes the ages to between 15 and 18 years old.

Additionally, under current law, a court shall order a hearing to determine whether a child should be certified for trial as an adult for certain offenses. This act repeals the offense of distribution of drugs or the offense of manufacturing of a controlled substance and adds the offense of armed criminal action.

This act also provides that before a child can be transferred to a court of general jurisdiction, a probable cause hearing shall be held to determine if probable cause exists. The juvenile office has the burden to prove probable cause and the juvenile has the right to present evidence and question witnesses.

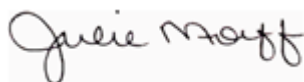
This act provides that the Office of State Courts Administrator shall collect certain information as provided in the act relating to petitions to certify juveniles as adults.

Finally, this act modifies provisions relating to correctional treatment programs for offenders ages 18 and younger. Such programs shall include physical separation from offenders 19 years or older and shall include education programs that award high school diplomas or its equivalent. This act contains an emergency clause.

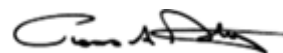
This legislation is not federally mandated, would not duplicate any other program but could require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Corrections
Office of the State Courts Administrator
Department of Social Services
Office of the State Public Defender
Missouri Office of Prosecution Services



Julie Morff
Director
March 5, 2023



Ross Strobe
Assistant Director
March 5, 2023