

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4041-01
Bill No.: HB 1550
Subject: Courts; Children and Minors
Type: Original
Date: January 25, 2008

Bill Summary: The proposal expands the jurisdiction of juvenile courts to include individuals who are over the age of 17 but under the age of 18 for the purpose of status offenses.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
General Revenue	(More than \$1,834,819)	(More than \$2,293,658)	(More than \$2,357,405)
Total Estimated Net Effect on General Revenue Fund	(More than \$1,834,819)	(More than \$2,293,658)	(More than \$2,357,405)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
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 2009	FY 2010	FY 2011
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
General Revenue	33	33	33
Total Estimated Net Effect on FTE	33	33	33

☒ Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

☒ Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
Local Government	(Less than \$1,062,481)	(Less than \$1,181,389)	(Less than \$1,218,895)

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Corrections, Department of Public Safety – Missouri State Highway Patrol**, and the – **Director’s Office** assume the proposal would have no fiscal impact on their agencies.

Officials from the **Office of State Courts Administrator (CTS)** assume the proposed legislation would provide for juvenile court jurisdiction termination at age eighteen for status offenses.

CTS assumes this would cause a significant workload and fiscal impact on the courts. CTS anticipates there will be approximately 4,456 additional status offenses annually. Approximately 6% of status offenses result in detention. Since services provided in the juvenile justice system are significantly greater than those in the adult justice system, any adult “cost avoidance” would not be sufficient to handle the change.

Based upon projected additional violations in the 35 multi-county circuits in Missouri, the FY 2009 estimated juvenile personnel cost in these circuits would be \$1,767,489 and 33 juvenile officer FTE. Overall detention days for approximately 273 additional juveniles are projected to increase by 4,914, costing the state an additional \$68,796 in per diem reimbursement pursuant to Section 211.156, RSMo.

CTS estimate does not include the fiscal impact for the 10 single-county circuits. CTS is currently working with these circuits to determine the fiscal impact. However, CTS assumes the fiscal impact for the single-county circuits will be increased costs of approximately \$1,000,000 and 19 additional juvenile officer FTE.

Oversight assumes the Office of State Courts Administrator would incur increased costs due to a significant increase in workload. Oversight assumes these costs to be more than \$100,000 per fiscal year.

Oversight assumes the Office of State Courts Administrator (CTS) would incur an increase in the per diem reimbursement pursuant to Section 211.156. Based on information received from CTS, Oversight assumes the increased per diem reimbursement to be more than \$68,796 per fiscal year.

ASSUMPTION (continued)

Oversight assumes the single-county circuits would incur the cost of the salaries, fringe benefits, and equipment and expenses for 19 FTE. For fiscal note purposes, Oversight assumes the salary and fringe benefit percentage per FTE would be the same as provided by the CTS.

Oversight assumes counties would incur the equipment and expense costs for the 52 FTE juvenile officers. Oversight assumes this cost to be approximately \$2,500 per FTE in FY 09 and approximately \$500 per FTE in subsequent years.

Officials from the **Department of Social Services (DOS)** assume the proposal is not expected to significantly impact the DYS. Currently, youth who commit status or municipal offenses are rarely committed to the care of the Division by the Juvenile Courts. Youth who are committed for minor violations are typically served within the community and do not require residential treatment services. The DYS anticipates being able to absorb, into existing programs, any additional youth who may be committed under the provisions of this bill.

DYS assumes any increase in the number of youth committed to its care, as a result of this bill, will be minimal. DYS further assumes that current resources are sufficient to meet the needs of those potential youth commitments.

Officials from the **Office of Prosecution Services (OPS)** assume this proposal would have a significant positive direct fiscal impact on county prosecutors or the Office of Prosecution Services. OPS is not aware of any estimates of the number of criminal cases that would not be referred to County Prosecutors for charges because of this proposed legislation. Additionally, OPS is not otherwise able to establish a workable estimate of the number of additional criminal cases that would not be referred to County Prosecutors for charges. Therefore, it is not possible to determine the extent to which this proposal would have a significant direct and positive fiscal impact on county prosecutors or the OPS.

In response to a similar proposal from the 2007 Session (SCS for HB 215, LR # 0222-05), officials from the Office of Prosecution Services assumed the proposal would not have a significant direct fiscal impact on county prosecutors or the Office of Prosecution Services. Therefore, **Oversight** assumes the Office of Prosecution Services and county prosecutors could absorb any additional costs incurred as a result of the proposed legislation within existing resources.

ASSUMPTION (continued)

Officials from the **Office of the State Public Defender (SPD)** assume this proposal will require more SPD resources. While the number of new cases (or cases with increased penalties) may be too few or uncertain to request additional appropriations for this specific bill, the SPD will continue to request sufficient appropriations to provide competent and effective representation in all its cases.

Oversight assumes the Office of the State Public Defender (SPD) could absorb the costs of the proposed legislation within existing resources. Oversight assumes any significant increase in the workload of the SPD would be reflected in future budget requests.

<u>FISCAL IMPACT - State Government</u>	FY 2009 (10 Mo.)	FY 2010	FY 2011
GENERAL REVENUE FUND			
<u>Costs – Office of State Courts</u>			
Administrator (CTS)			
Personal Service	(\$1,192,029)	(\$1,473,348)	(\$1,517,549)
Fringe Benefits	(\$527,115)	(\$651,514)	(\$671,060)
Equipment and Expense	(\$48,345)	\$0	\$0
Increased court cases	(More than \$100,000)	(More than \$100,000)	(More than \$100,000)
Per diem reimbursement to counties	(More than \$57,330)	(More than \$68,796)	(More than \$68,796)
<u>Total Costs – CTS</u>	(More than \$1,834,819)	(More than \$2,293,658)	(More than \$2,357,405)
FTE Change – CTS	33 FTE	33 FTE	33 FTE
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
	<u>(More than \$1,834,819)</u>	<u>(More than \$2,293,658)</u>	<u>(More than \$2,357,405)</u>
Estimated Net FTE Change for General Revenue Fund	33 FTE	33 FTE	33 FTE

<u>FISCAL IMPACT - Local Government</u>	FY 2009 (10 Mo.)	FY 2010	FY 2011
POLITICAL SUBDIVISIONS			
<u>Revenues</u> – From Office of State Courts Administrator			
Per diem reimbursement	More than \$57,330	More than \$68,796	More than \$68,796
<u>Costs</u> – Counties for circuit courts			
Personal Service	(\$686,320)	(\$848,291)	(\$873,740)
Fringe Benefits	(\$303,491)	(\$375,114)	(\$386,368)
Equipment and Expense	<u>(\$130,000)</u>	<u>(\$26,780)</u>	<u>(\$27,583)</u>
<u>Total Costs</u> – Counties for circuit courts	<u>(\$1,119,811)</u>	<u>(\$1,250,185)</u>	<u>(\$1,287,691)</u>
FTE Change – counties	19 FTE	19 FTE	19 FTE
ESTIMATED NET EFFECT ON POLITICAL SUBDIVISIONS			
	<u>(Less than \$1,062,481)</u>	<u>(Less than \$1,181,389)</u>	<u>(Less than \$1,218,895)</u>
Estimated Net FTE Change for Political Subdivisions	19 FTE	19 FTE	19 FTE

FISCAL IMPACT - Small Business

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

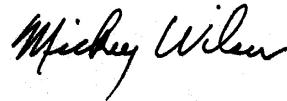
FISCAL DESCRIPTION

The proposal expands the jurisdiction of juvenile courts to include individuals who are 17 years of age for the sole purpose of status offenses by revising the definition of “child” and “adult.” “Status offense” is defined as any offense described in Section 211.031.1(2), RSMo.

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 State Courts Administrator
Department of Corrections
Department of Social Services
Department of Public Safety
 – Missouri State Highway Patrol
 – Director's Office
Office of the State Public Defender

A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive, flowing style.

Mickey Wilson, CPA
Director
January 25, 2008