

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0775-01
Bill No.: HB 430
Subject: Children and Minors; Youth Services, Division of; Crimes and Punishment;
Courts; Courts, Juvenile
Type: Original
Date: February 28, 2017

Bill Summary: This proposal modifies provisions relating to juvenile courts.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND				
FUND AFFECTED	FY 2018	FY 2019	FY 2020	Fully Implemented (FY 2021)
General Revenue Fund	(\$17,767,868)	(\$21,581,897)	(\$19,018,379 to \$21,278,543)	(\$17,566,624)
Total Estimated Net Effect on General Revenue	(\$17,767,868)	(\$21,581,897)	(\$19,018,379 to \$21,278,543)	(\$17,566,624)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS				
FUND AFFECTED	FY 2018	FY 2019	FY 2020	Fully Implemented (FY 2021)
Other State Funds (various)	(\$1,339)	(\$590,528)	(\$672,448 to \$1,321,889)	(\$1,058,114)
Capitol Improvement Funds	(\$8,353,302)	\$0	\$0	\$0
SFMOF	\$0	\$0	(\$64,763)	(\$653,831)
Criminal Records Fund	(\$55,000)	\$0	\$0	\$0
Total Estimated Net Effect on <u>Other</u> State Funds	(\$8,409,641)	(\$590,528)	(\$737,211 to \$1,386,652)	(\$1,711,945)

Numbers within parentheses: () indicate costs or losses. This fiscal note contains 21 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS				
FUND AFFECTED	FY 2018	FY 2019	FY 2020	Fully Implemented (FY 2021)
Federal Funds	\$0	\$0	\$0	\$0
Total Estimated Net Effect on <u>All</u> 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 2021)
General Revenue Fund	.6 FTE	39 FTE	39 to 81 FTE	82 FTE
Other State Funds (various)	0 FTE	4 FTE	4 to 15 FTE	16 FTE
Federal Funds	.4 FTE	1 FTE	1 to 3 FTE	4 FTE
SFMOF	0 FTE	0 FTE	1 FTE	4 FTE
Total Estimated Net Effect on FTE	1 FTE	44 FTE	44 to 100 FTE	106 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 2021)
Local Government	\$0	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials at the **Department of Social Services** assume House Bill 430 raises the age of adult criminal responsibility from 17 to 18 years of age within Chapter 211, RSMo. Changes to section 167.031 RSMo give districts the option to adopt a higher compulsory school attendance age, bringing the range to seventeen to eighteen years of age. Changes to section 211.071 RSMo removes certified youth from adult jails pretrial and provides that they be cared for in secure juvenile detention facilities until they reach seventeen years of age. Changes to section 219.021 RSMo allows DYS to serve committed youth until they reach nineteen years of age. These changes effectively will create new status offense referrals to be processed by the juvenile court as well as shift criminal cases from the court of general jurisdiction to the juvenile and family court system. The bill removes required certification hearings for instances where youth have been adjudicated for three independent felony offenses and provides that no youth under the age of sixteen may be certified. This bill enacted will lead to an increase in the number of juveniles certified to stand trial as an adult as it will add a seventeen year old cohort of youth to the pool of eligibility. An increase in youth involved in juvenile court and those certified as adults will lead to an increase in traditional Division of Youth Services' (DYS) commitments and the dual jurisdiction commitments served by the division.

DLS

The proposed bill will not have a significant on the Division of Legal Services (DLS). DLS provides legal advice and representation to both the Division of Youth Services (DYS) and the Children's Division (CD). As discussed below, the impact on the Children's Division should be minimal and should not increase the need of the Children's Division for legal representation beyond what it currently requires. However, DLS may anticipate an increase in the number of case referrals from the Division of Youth Services relating to motions for extending jurisdiction and motions for dual jurisdiction youth.

Extending the age of jurisdiction over status offenders and delinquent youth to the age of eighteen may result in an increased number of youth committed to the custody of DYS, and thus would increase DYS' need for legal advice and assistance from DLS. DYS has projected that it could receive approximately 339 new seventeen-year old youths needing DYS services on a yearly basis as a result of this proposed bill. It is assumed that most of these 339 seventeen-year old youth will be able to complete their services prior to their nineteenth birthday and that there will be only a small number of youth who will require a petition to extend custody until the age of twenty-one. Assuming that DLS receives an additional four referrals per year for this group of youth, this would result in a need for only an additional forty hours (ten hours per case) of legal representation.

ASSUMPTION (continued)

The proposed bill may also result in an increase in the number of DYS dual jurisdiction cases. If the number of dual jurisdiction cases changes for this age group, DLS anticipates an increase of approximately four new referrals for dual jurisdiction youth on a yearly basis. DLS anticipates that each new case may take up to twenty hours of attorney time, or approximately 80 hours of attorney time annually.

Although this legislation may result in a few additional legal referrals on a yearly basis, DLS anticipates that it will be able to meet the need for increased representation by DYS at current staffing levels.

Section 210.110 RSMo 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) RSMo 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. The proposed bill will not have a substantial fiscal impact on the Children's Division and will not require the Division of Legal Services to provide increased representation to CD.

CD Impact

The Children's Division would anticipate an increase in the number of educational neglect reports received and an increase in the number of family centered services cases opened as a result of this proposed legislation.

This assumption is based upon the number of family assessments conducted for educational neglect and family centered cases opened for educational neglect regarding sixteen-year-olds statewide.

ASSUMPTION (continued)

This proposed legislation would result in the need for additional staff due to the increase in the number of reports that would be expected. Estimating the number of 17 year olds that could be subject to educational neglect is based on the number of such calls the Division annually receives on 16 year olds.

It should also be taken into account the other criteria for compulsory attendance which is 16 credit hours toward graduation, so a percentage of 16 year olds which have met this criteria with an additional year. This bill also allows these metropolitan school districts for which the compulsory age is eighteen years to adopt a resolution to lower the compulsory attendance age to 17 years, therefore this number of districts to adopt out of the resolution is unknown.

Increased Family Assessments due to Educational Neglect

Using FY16 data the division conducted 107 family assessments involving 16 year olds for educational neglect only in Jackson, St. Louis City, and St. Louis County. Based upon this data, the children's division would assume approximately the same number of 17 year olds in these counties to be reported and handled as family assessments for educational neglect. Making these assumptions the division would anticipate an increase of 107 assessments involving children age 17 for educational neglect only.

Increased Cases Opened

In FY16 there were 9 Family Centered Service (FCS) cases opened as a result of family assessments on 16 year olds as a result of educational neglect only in the counties named above. The Children's Division would expect to open the same number of FCS cases on 17 year olds as a result of educational neglect or 9 additional FCS cases.

Summary

Using the above FY16 data, we can assume that approximately 9 FCS cases would be opened as a result of 107 additional family assessments for educational neglect. There would be a need for one additional FTE to cover the additional cases and assessments. The following represents the breakdown of worker need:

Service	FTE
107 Family Assessments (15 worker/month):	.59
9 FCS cases (20 cases per worker):	<u>.45</u>
Total Workers needed:	1 FTE

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 DYS per year. The division anticipates a fiscal impact in FY 18

ASSUMPTION (continued)

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 \$6,613,212 (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 DYS at a given point in time FY16 or 61.05% of 2,221
- 653 average youth in DYS 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 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.

ASSUMPTION (continued)

DATA

- 50 youth certified - FY 2016 (most recent data available)
- 15 dual jurisdictions assessments ordered SFY 16 or 30% of certified youth
- 12 youth from SFY 2016 ordered assessments accepted and committed to dual jurisdiction or 80%

PROJECTION

50 certifications FY 2016

+ 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 + New DJ Youth – anticipated DJ Youth exits	$24 + 16 - 6 =$	$34 + 16 - 6 =$	$44 + 16 - 6 =$	$54 + 16 - 16 - 6 =$
DJ Beds Needed	34	44	54	48

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

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.

ASSUMPTION (continued)

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.

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

ASSUMPTION (continued)

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 HB 430 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.

APPROPRIATIONS

Section 211.021.2 has language regarding appropriation amounts. These amounts do not include the Department of Social Services' costs; therefore, the costs represented in this response would be above and beyond the amounts stated in that section.

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 addition FMDC will require day-to-day maintenance staff and operating cost to include fuel & utilities.

New Construction will include (3-yr time frame - completion FY 2021)

24 bed Moderate facility - St. Louis - with cafeteria/gymnasium **\$4,375,302**

12 bed Moderate facility - Kansas City - with cafeteria/gymnasium **\$2,958,000**

ASSUMPTION (continued)

Renovation will include (2-yr time frame - completion FY 2020)

" 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

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

Officials at the **Department of Corrections (DOC)** assume the bill increases the age when a child can be prosecuted in adult court from 17 to 18, as do bills SB40 and HB274 introduced in this session. The difference is that HB430 does not amend section 211.071 that defines the offenses for which a child can be certified as an adult. The bill will allow children over 10 charged with a felony to continue to be certified as an adult; SB40 and HB274 restricted certification to serious offenses and to children who were 16 or 17 at the time of the offense. The bill is similar to SB 685 FY16. Unlike SB 40 and HB 274 the impact of the bill on the sentencing of juveniles will be limited to juveniles of 17 and an estimate is required of the number of 17 year olds who will be certified as adults.

ASSUMPTION (continued)

In FY16 the DOC admitted 302 seventeen year olds and received 443 on probation. The numbers have been declining for a number of years, as have the number of all children certified as adults, but the number admitted for serious and violent offenses has not declined. 217.071 RSMo. defines a serious offense as Murder 1st, Murder 2nd, Rape 1st, Sodomy 1st, Robbery 1st, Assault 1st and drug distribution and it is expected that all seventeen year olds charged with these offenses will be certified as an adult. Nonviolent offenses are all remaining felonies other than the serious violent felonies.

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

Age	FY2014			FY2015			FY2016		
	Non Violent	Serious Violent	Total	Non Violent	Serious Violent	Total	Non Violent	Serious 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

An estimate of seventeen year olds who will be certified as an adult is based upon the percentage of children from 11 to 16 who have been received by the DOC instead of the Division of Youth Services (DYS). The percentage increases as the age of the child increases and it is estimated that 25% of seventeen year olds convicted of a felony other than a serious, violent offense will be certified as an adult. In the FY16 impact assessment for SB 685 the DOC estimated that the percentage would be 20% but the DOC percentage of the 13-16 has increased from 7% to 10.5% in this estimate.

Table 2. Intake of Juveniles 13-16 by Department of Corrections and the Division of Youth Services

Age at offense	DOC intake				DYS intake				Total DOC+DYS	Percent DOC	Percent DYS
	FY14	FY15	FY16	Total	FY14	FY15	FY16	Total			
13	1	1	2	4	57	51	47	155	159	2.6%	97.4%
14	4	1	4	9	126	107	86	319	328	2.8%	97.2%
15	15	14	18	47	237	193	187	617	664	7.6%	92.4%
16	50	52	44	146	293	303	276	872	1,018	16.7%	83.3%
Total	70	68	68	206	713	654	596	1,963	2,169	10.5%	89.5%
Estimated percent for DOC for 17 year olds for nonviolent offenses										25.0%	75.0%

ASSUMPTION (continued)

If 25% of seventeen year olds convicted of nonviolent offenses and all 17 years olds convicted of serious violent offenses are tried and sentenced in adult court then, using FY16 admissions, there will be 211 seventeen year olds who would have been sentenced to prison and 329 who would have been sentenced to probation, tried and sentenced instead in juvenile court, a total reduction of 540 young offenders (75% of FY16 nonviolent intake).

Table 3. Seventeen year olds not certified as adults and received by the DYS in FY16

	FY14	FY15	FY16
New admissions			
Serious violent	-	-	-
Nonviolent	294	237	211
Total prison	294	237	211
Probation			
Serious violent	-	-	-
Other felonies	373	302	329
Total probation	373	302	329

Approximately 50% of the new admissions will serve a prison sentence and 50% will be sentenced to a 120-day sentence and be released to probation. The average prison sentence is 5.8 years and the average time served to first release is 36.3%. In addition the DOC is adding an estimate for parole returns of 40% of the remaining time left on the sentence after first release to account for offenders who are revoked from parole. This estimate was not made in the FY16 assessment. Offenders on probation are expected to serve three years because most offenders will be eligible to earn compliance credits and earn an early discharge.

Table 4. Average sentence and time served by nonviolent seventeen year olds in FY16

	New Admissions	Average Sentence (years)	Percent Sentence Served	Time to First Release	Parole Returns (40% return)	Total Prison Time	Parole
Prison	105	5.8	36.3%	2.1	1.5	3.6	2.1
120-Day & probation	105	5.1		0.3	-	-	-
Total	211						

The total expected impact of a reduction of 540 in intake is a reduction in the prison population of 383 and reduction of 1,745 in the field population. The legislation proposes that certification changes on January 2018, and the estimate for FY18 is at 50% of the full year. The impact will be complete after six years (FY23).

ASSUMPTION (continued)

Table 5. Impact upon the DOC prison and field population

	FY18	FY19	FY20	FY21	FY22	FY23	FY24	FY25	FY26	FY27
Admissions & probation										
Admissions	53	105	105	105	105	105	105	105	105	105
Releases to parole				42	105	105	105	105	105	105
Releases to probation (120 day)	26	105	105	105	105	105	105	105	105	105
Probation	201	402	402	402	402	402	402	402	402	402
Prison and Field Population (admissions * length of stay)										
Prison	53	158	132	383	383	383	383	383	383	383
Parole	-	-	-	42	148	224	224	224	224	224
Probation	227	760	1,267	1,521	1,521	1,521	1,521	1,521	1,521	1,521
Impact										
Prison	53	158	132	383	383	383	383	383	383	383
Field	227	760	1,267	1,563	1,668	1,745	1,745	1,745	1,745	1,745

Although the impact assessment has a significant drop in the DOC prison population because of the proposed legislative change, recidivism rates for young offenders are high and it may be that if the legislation is passed more offenders over 18 may increase and offset some of the reduction in seventeen year olds.

In summary, DOC would assume this legislation will result in long term cost avoidance as follows:

FY 2018	\$691,353
FY 2019	\$2,712,455
FY 2020	\$3,780,499
FY2021	\$6,178,668

Officials at the **Department of Public Safety's Missouri Highway Patrol (MHP)** assume programming changes will also be required by the Missouri Live Scan vendor, MorphoTrak Inc. There are currently over 300 live scans located within sheriff's offices and police departments throughout the state of Missouri. MorphoTrak will need to update the software on each of these live scan devices to ensure that arrests of individuals that are aged 17 years old will be submitted as juvenile, rather than criminal arrests. Due to the nature of the live scan devices, this effort is estimated to take 550 work hours, for design, development, and deployment of the new software to all live scans.

MorphoTrak Inc.	
550 hours x \$100 per hour (Criminal Records Fund)	\$55,000

Officials at the **Office of the State Courts Administrator (OSCA)** assume the proposed legislation modifies provisions relating to juvenile courts. The proposed legislation changes the age of a child from any person under the age of seventeen to any person under the age of eighteen. The legislation also modifies the adult certification process of a child.

ASSUMPTION (continued)

The changes in the proposed legislation will not take effect until such time as appropriations by the general assembly "for juvenile officers full-time equivalents, deputy juvenile officer full-time equivalents, attorneys for the juvenile officer full-time equivalents and detention aide full-time equivalents shall exceed by seven million eight hundred thousand dollars the amount spent by the state for such positions in fiscal year 2016 and appropriations by the general assembly to single first class counties for juvenile court personnel costs shall exceed by seven million two hundred twenty thousand dollars the amount spent by the state for such juvenile court personnel costs in fiscal year 2016."

Also, the amendment states "In addition to appropriations by the general assembly for additional juvenile officer full-time equivalents, deputy juvenile officer full-time equivalents, attorneys for the juvenile officer full-time equivalents, and detention aide full-time equivalents, appropriations by the general assembly for program costs shall exceed by one million three hundred thousand dollars the amount spent by the state for program costs in fiscal year 2016 and appropriations by the general assembly to single counties in the first classification for program costs shall exceed by one million nine hundred thousand dollars the amount spent by the state for program costs in fiscal year 2016 and notice of such appropriations has been given to the revisor of statutes. Additionally appropriations by the general assembly for the training of new juvenile officer full-time equivalents, attorneys for the juvenile officer full-time equivalents, and deputy juvenile officer full-time equivalents shall exceed by one hundred ninety-two thousand dollars the amount spent by the state for juvenile officer training in fiscal year 2016 and notice of such appropriations has been given to the revisor of statutes."

The total amount that would need to be appropriated in order for the proposed legislation to become law would be \$18,412,000 (\$7,800,000 + \$7,220,000 + \$1,300,000 + \$1,900,000 + \$192,000).

Oversight will reflect an additional \$18,412,000 in personnel expenses from this proposal.

Officials at the **Office of the State Public Defender (SPD)** assume a positive impact on SPD's workload when the changes actually take effect. Until the provisions of this proposal take effect, SPD assumes no impact.

Officials at the **Department of Elementary and Secondary Education**, the **Department of Mental Health** 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 2021)
GENERAL REVENUE FUND				
<u>Savings</u> - DOC - cost avoidance/reduction in prison population requiring supervision	\$691,353	\$2,712,455	\$3,780,499	\$6,178,668
Cost - OSCA - personnel expenses (p.15)	(\$18,412,000)	(\$18,412,000)	(\$18,412,000)	(\$18,412,000)
<u>Cost</u> - DSS				
Personal Service			(\$1,258,583 to	
	(\$19,546)	(\$1,258,583)	\$2,662,316)	(\$2,662,316)
Fringe Benefits			(\$775,841 to	
	(\$11,277)	(\$775,841)	\$1,632,272)	(\$1,632,272)
Equipment/ Expense			(Up to	
	(\$16,398)	(\$3,847,928)	2,352,454)	(\$1,038,704)
<u>Total Cost</u> - DSS			(\$4,386,878 to	
	(\$47,221)	(\$5,882,352)	\$6,647,042)	(\$5,333,292)
FTE Change DSS	.6 FTE	39 FTE	39 to 81 FTE	82 FTE
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	<u>(\$17,767,868)</u>	<u>(\$21,581,897)</u>	<u>(\$19,018,379 to \$21,278,543)</u>	<u>(\$17,566,624)</u>
Estimated Net FTE Change for General Revenue Fund	.6 FTE	39 FTE	39 to 81 FTE	82 FTE

<u>FISCAL IMPACT - State Government</u>	FY 2018 (10 Mo.)	FY 2019	FY 2020	Fully Implemented (FY 2021)
OTHER STATE FUNDS (various)				
<u>Cost - DSS</u>				
Personal Service			(\$124,877 to	
	\$0	(\$124,877)	\$527,678)	(\$527,678)
Fringe Benefits			(\$77,080 to	
	\$0	(\$77,080)	\$323,720)	(\$323,720)
Equipment/ Expense	<u>(\$1,339)</u>	<u>(\$388,571)</u>	(Up to \$470,491)	(\$206,716)
Total Cost - DSS			(\$672,448 to	
	<u>(\$1,339)</u>	<u>(\$590,528)</u>	<u>\$1,321,889)</u>	<u>(\$1,058,114)</u>
FTE Change DSS	0 FTE	4 FTE	4 to 15 FTE	16 FTE
ESTIMATED NET EFFECT ON OTHER STATE FUNDS (various)	<u>(\$1,339)</u>	<u>(\$590,528)</u>	<u>(\$672,448 to \$1,321,889)</u>	<u>(\$1,058,114)</u>
Estimated Net FTE Change for Other State Funds (various)	0 FTE	4 FTE	4 to 15 FTE	16 FTE

<u>FISCAL IMPACT - State Government</u>	FY 2018 (10 Mo.)	FY 2019	FY 2020	Fully Implemented (FY 2021)
FEDERAL FUNDS				
<u>Income</u> - DSS - increase in program reimbursements	\$27,155	\$155,524	\$183,920 to \$352,066	\$289,063
<u>Cost</u> - DSS				
Personal Service	(\$11,225)	(\$41,356)	(\$41,356 to \$145,661)	(\$145,661)
Fringe Benefits	(\$6,476)	(\$24,941)	(\$24,941 to \$88,782)	(\$88,782)
Equipment/ Expense	(\$9,454)	(\$89,227)	(Up to \$117,623)	(\$54,620)
<u>Total Cost</u> - DSS	(\$27,155)	(\$155,524)	(\$183,920 to \$352,066)	(\$289,063)
FTE Change DSS	.4 FTE	1 FTE	1 to 3 FTE	4 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	.4 FTE	1 FTE	1 to 3 FTE	4 FTE
CAPITAL IMPROVEMENTS FUND				
<u>Cost</u> - for new construction/renovati on to accommodate DSS/DYS	(\$8,353,302)	\$0	\$0	\$0
ESTIMATED NET EFFECT ON CAPITAL IMPROVEMENTS FUND	<u>(\$8,353,302)</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT -</u> <u>State Government</u>	FY 2018 (10 Mo.)	FY 2019	FY 2020	Fully Implemented (FY 2021)
STATE FACILITIES MAINTENANCE OPERATIONS FUND (SFMOF)				
<u>Costs - FMDC</u>				
Personal Service	\$0	\$0	(\$30,175)	(\$141,316)
Fringe Benefits	\$0	\$0	(\$18,546)	(\$79,811)
Equipment/ Expense	<u>\$0</u>	<u>\$0</u>	<u>(\$16,042)</u>	<u>(\$432,704)</u>
<u>Total Costs - FMDC</u>	<u>\$0</u>	<u>\$0</u>	<u>(\$64,763)</u>	<u>(\$653,831)</u>
FTE Change-FMDC	0 FTE	0 FTE	1 FTE	4 FTE
ESTIMATED NET EFFECT ON SFMOF	<u>\$0</u>	<u>\$0</u>	<u>(\$64,763)</u>	<u>(\$653,831)</u>
Estimated Net FTE Change for SFMOF	0 FTE	0 FTE	1 FTE	4 FTE
CRIMINAL RECORDS FUND				
<u>Cost - MHP - programming changes</u>	<u>(\$55,000)</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
ESTIMATED NET EFFECT ON CRIMINAL RECORDS FUND	<u>(\$55,000)</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<u>FISCAL IMPACT -</u> <u>Local Government</u>	FY 2018 (10 Mo.)	FY 2019	FY 2020	Fully Implemented (FY 2021)
	<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.

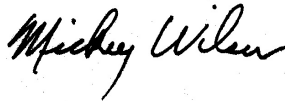
FISCAL DESCRIPTION

This bill changes the definition of "child" to include any person under 18 years of age and "adult" to mean any person 18 years of age or older. The bill repeals the definition of a "status offense." The bill also provides that certain amendments to the statute are subject to appropriations by the General Assembly for specified employment positions exceed amounts spent on those positions in the 2016 fiscal year. A child who has been certified to stand trial as an adult on or after January 1, 2018, must be detained in a secure juvenile detention facility until whichever of the following occurs first: the child posts bail; the child turns 17, at which point the child will be transferred to an appropriate adult jail; or upon recommendation of a juvenile officer or superintendent of the juvenile detention facility and upon motion by the prosecuting attorney or circuit attorney the child has been ordered by the court to be removed from the juvenile detention facility after it is determined that keeping the child at the juvenile detention facility poses a risk of harm to other noncertified juveniles housed in the facility or to staff employed in the facility. The bill further specifies other restrictions and procedures regarding children certified to stand trial as adults. The bill increases the minimum amount to be paid to the county governing body in whose custody a child is detained from \$14 per day to \$19 per day.

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

SOURCES OF INFORMATION

Office of the State Courts Administrator
Department of Social Services
Department of Corrections
Department of Public Safety
Missouri Highway Patrol
Office of the State Public Defender
Office of Administration
Department of Elementary and Secondary Education
Department of Mental Health
Office of Prosecution Services



Mickey Wilson, CPA
Director
February 28, 2017

Ross Strobe
Assistant Director
February 28, 2017