

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1104-02
Bill No.: HCS for HB 351
Subject: Children and Minors; Counties; Courts; Crimes and Punishment; Criminal Procedure; Prisons and Jails; Department of Social Services
Type: Original
Date: March 8, 2017

Bill Summary: This proposal modifies provisions relating to the detention and shackling of juvenile offenders and detention and shackling of pregnant offenders.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2018	FY 2019	FY 2020
General Revenue Fund	\$0	(Unknown)	(Unknown)
Total Estimated Net Effect on General Revenue	\$0	(Unknown)	(Unknown)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2018	FY 2019	FY 2020
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 2018	FY 2019	FY 2020
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2018	FY 2019	FY 2020
Total Estimated Net Effect on FTE	0	0	0

☐ 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
Local Government	\$0	(Unknown, greater than \$775,688)	(Unknown, greater than \$1,551,376)

FISCAL ANALYSIS

ASSUMPTION

Officials at the **Office of the State Courts Administrator (OSCA)** assume the proposed legislation modifies provisions relating to the detention and shackling of juvenile offenders and detention and shackling of pregnant offenders. The standards for the operation of a secure detention facility require the administration to provide educational, recreational, medical and mental health services to the juveniles detained in their center. In addition, the administration would be responsible for providing additional training to staff in order to effectively process and monitor certified youth. Policies and procedures would have to be modified.

The proposed legislation would result in an increased juvenile detention population of certified youth. This increase would require the county in which the detention center resides to provide for additional services for those detained and additional training for employees. There are some smaller circuits that would not be able to handle the youth based on layout of the facility or type of staff they have trained. There will possibly be some cost with housing older violent offenders with younger offenders. Accordingly, the impact of this change is unknown.

In response to a previous version, officials at **St. Louis County** assumed the fiscal impact on the county, if any, would come from a potential “alternative detention facility”. The impact is hard to articulate because the “Certified Youth Jail Removal Work Group” is supposed to address the “appropriate funding mechanism for implementation and ongoing financial support of alternative detention facilities”. There may be capital and staffing costs associated with the building and maintenance of such facilities.

In similar legislation from 2016, HCS for SCS for SB 618, **St. Louis County** assumed the following costs:

<u>Year</u>	<u>Projected Number of Youth Certified</u>	<u>Avg Number Days to 17th Birthday</u>	<u>Total Days</u>	<u>Projected Detention Costs At \$378 per Day</u>
2017	16	225.24	3,604	\$1,362,236
2018	17	230.78	3,923	\$1,483,000
2019	18	228.01	4,104	\$1,551,376

In response to a previous version, officials at the **Callaway County Commission** assumed an unknown fiscal impact from this proposal.

Oversight assumes that multiple counties will be affected from this proposal. Therefore, Oversight will assume unknown costs greater than the amounts listed from St. Louis County for this proposal. Oversight also assumes the provisions from this proposal will not take effect until January 1, 2019. Therefore, Oversight will show \$0 in FY 18 and 6 months of cost in FY 2019.

ASSUMPTION (continued)

Officials at the **Office of the Attorney General** assume that any potential costs arising from this proposal can be absorbed with existing resources.

Officials at the **Department of Elementary and Secondary Education (DESE)** assume depending upon the actions of the task force, this could result in costs to DESE, however, DESE would not expect the costs to be significant.

In response to similar legislation from 2016, HCS for SCS for SB 618, officials at the **Boone County Sheriff's Department** assumed a potential savings in not having to house a juvenile certified as an adult. However, that amount can not be calculated without knowing how many certified juveniles the Department will not have to house.

Officials at the **Department of Corrections**, the **Department of Public Safety's Missouri Highway Patrol**, the **Department of Health and Senior Services** and the **Office of the State Public Defender** each assume no fiscal impact to their respective agencies from this proposal.

In response to a previous version, officials at the **Department of Mental Health**, the **Department of Social Services** and the **Office of Prosecution Services** each assumed no fiscal impact to their respective agencies from this proposal.

Officials at the **Springfield Police Department** assume no fiscal impact from this proposal.

In response to a previous version, officials at the **St. Louis County Department of Justice Services** assumed no fiscal impact from this proposal.

<u>FISCAL IMPACT - State Government</u>	FY 2018	FY 2019 (6 Mo.)	FY 2020
GENERAL REVENUE FUND			
<u>Cost - OSCA - increase in juvenile detention population</u>	<u>\$0</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	<u>\$0</u>	<u>(Unknown)</u>	<u>(Unknown)</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2018	FY 2019 (6 Mo.)	FY 2020
LOCAL POLITICAL SUBDIVISIONS			
<u>Cost - Counties - increase in detention costs for juvenile offenders</u>	<u>\$0</u>	(Unknown, greater than <u>\$775,688</u>)	(Unknown, greater than <u>\$1,551,376</u>)
ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS	<u>\$0</u>	(Unknown, greater than <u>\$775,688</u>)	(Unknown, greater than <u>\$1,551,376</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 modifies provisions relating to criminal offenders.

DETENTION OF JUVENILES IN ADULT JAILS

This bill modifies provisions relating to criminal offenders. Currently, any child under the age of 17 who has been certified as an adult may be detained in an adult jail prior to trial. Beginning January 1, 2019, this bill prohibits the detention of any child certified as an adult in an adult jail until the child has been sentenced or turns 17 years of age, or unless the child was placed by the court in one of the Department of Corrections' 120day programs, or upon the request and a showing of good cause by the director of an alternative detention facility to the court.

This bill requires the Division of Youth Services in collaboration with the Office of State Courts Administrator to establish the Certified Youth Jail Removal Workgroup to develop by January 1, 2018, a plan for the removal of certified children from an adult jail pending trial and sentencing. By January 1, 2018, the workgroup shall make recommendations to the General Assembly regarding the establishment of alternative detention facilities for children who have been certified as adults. The workgroup shall automatically terminate on September 1, 2019 (Sections 211.033, 211.071, 211.151, 221.044, and 221.240, RSMo).

JUVENILE SHACKLING

The bill provides that, when a juvenile court has a rule or otherwise requires the use of restraints during proceedings, the juvenile's attorney must have the right to be heard on a request that the restraints not be used (Section 211.436).

FISCAL DESCRIPTION (continued)

TRANSPORTATION AND SHACKLING OF PREGNANT WOMEN

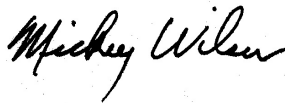
The Department of Corrections must establish, by rule, policies and procedures for the transportation, evaluation, and treatment of pregnant and postpartum offenders and must consult with physicians, nursing, correctional, and other professional organizations in establishing such rules. The rules must include certain specified provisions pertaining to the shackling of pregnant inmates (Section 217.152).

In the event a chief administrative officer or his or her designee determines that extraordinary circumstances exist and restraints are used, the chief administrative officer or his or her designee must fully document, in writing within seven days of the incident, the reasons he or she determined such extraordinary circumstances existed, the kind of restraints used, and the reasons those restraints were considered the least restrictive available and the most reasonable under the circumstances. The chief administrative officer of each correctional center that houses pregnant and postpartum offenders must ensure the employees of the correctional center who come in contact with pregnant or postpartum offenders are provided with specific training.

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

SOURCES OF INFORMATION

Office of the State Courts Administrator
St. Louis County
Boone County Sheriff's Department
Office of the Attorney General
Department of Mental Health
Department of Elementary and Secondary Education
Department of Social Services
Department of Corrections
Department of Public Safety
Missouri Highway Patrol
Department of Health and Senior Services
Office of the State Public Defender
Office of Prosecution Services
Springfield Police Department
St. Louis County Department of Justice Services



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