

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1759H.01I
Bill No.: HB 1242
Subject: Courts, Juvenile; Children and Minors; Children's Division; Youth Services,
Division of
Type: Original
Date: March 2, 2021

Bill Summary: This proposal modifies provisions relating to juvenile court proceedings.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
General Revenue	Could exceed (\$14,210,473)	Could exceed (\$15,881,533)	Could exceed (\$15,881,533)
Total Estimated Net Effect on General Revenue	Could exceed (\$14,210,473)	Could exceed (\$15,881,533)	Could exceed (\$15,881,533)

The proposal removes the delayed implementation of the Raise the Age (“shall not be effective until an appropriation sufficient to fund the expanded service is provided therefor”) in §211.438. Oversight has listed OSCA and DSS’ initial estimate of costs to implement Raise the Age

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Juvenile Justice Preservation Fund**	(\$2,871,060)	(\$1,200,000)	(\$1,200,000)
Total Estimated Net Effect on <u>Other</u> State Funds	(\$2,871,060)	(\$1,200,000)	(\$1,200,000)

**The state’s Juvenile Justice Preservation Fund is disbursed to the county circuit courts to implement Raise the Age

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
General Revenue	At least 34 FTE	At least 34 FTE	At least 34 FTE
Total Estimated Net Effect on FTE	At least 34 FTE	At least 34 FTE	At least 34 FTE

☒ 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 2022	FY 2023	FY 2024
Local Government	(Unknown)	(Unknown)	(Unknown)

FISCAL ANALYSIS

ASSUMPTION

§§211.012, 211.181, and 211.435 – Juvenile court proceedings

Officials from the **Department of Social Services (DSS)** state the provisions of this proposal clarify the “Raise the Age” legislation that was passed during the 2018 session. Assuming that is the sole intent of this proposal, there is no fiscal impact to DSS. If the intent of this legislation is to implement the “Raise the Age” legislation, DSS does not have the resources available to provide services for juveniles to 18 years of age (up from 17 years of age) and full year of costs would be \$5,294,153 (\$3,043,596 GR; \$2,250,557 Federal).

Officials from the Office of the State Courts Administrator (OSCA) did not respond to **Oversight’s** request for fiscal impact for this proposal. However, in response provisions from 2020 (HCS for SCS for SB 662), officials from OSCA assumed this proposal would have the same fiscal impact as SB 793 (2018). The total cost to state general revenue to implement the proposed legislation would be at least \$14,037,937 (includes 34 new FTE).

Oversight will show these preliminary costs for Raise the Age implementation and continue to seek additional input from state agencies regarding the implementation costs.

Officials from the **Attorney General’s Office**, 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.

The Juvenile Justice Preservation Fund (0739) had a balance of \$2,871,606 as of February 28, 2021. Oversight notes 211.435.2 states these funds shall revert to the counties of origin. Therefore, Oversight will reflect a loss in FY 2022 of these funds. Oversight notes collections into the fund totaled \$1,201,466 in FY 2020. Oversight will reflect this funding as an offset to OSCA employees that will be paid from the state’s General Revenue Fund for implementation at the circuit courts.

This proposal has an emergency clause.

<u>FISCAL IMPACT – State Government</u>	FY 2022	FY 2023	FY 2024
GENERAL REVENUE FUND			
<u>Cost</u> – OSCA – to implement Raise the Age	(Could exceed \$14,037,937)	(Could exceed \$14,037,937)	(Could exceed \$14,037,937)
<u>Less</u> – each circuit shall establish a Juvenile Justice Preservation Fund (assumed to be used to pay local OSCA & DSS costs – therefore Oversight is reflecting here as an offset	\$2,871,060	\$1,200,000	\$1,200,000
<u>Costs</u> – DSS – raise the age implementation	<u>(\$3,043,596)</u>	<u>(3,043,596)</u>	<u>(\$3,043,596)</u>
ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND	Could exceed (\$14,210,473)	Could exceed (\$15,881,533)	Could exceed (\$15,881,533)
JUVENILE JUSTICE PRESERVATION FUND (0739)			
Transfer to county circuits	(\$2,871,060)	\$0	\$0
<u>Loss</u> – all future amounts are to be retained by the county circuits	\$0	<u>(\$1,200,000)</u>	<u>(\$1,200,000)</u>
ESTIMATED NET EFFECT ON JUVENILE JUSTICE PRESERVATION FUND(0739)	<u>(\$2,871,060)</u>	<u>(\$1,200,000)</u>	<u>(\$1,200,000)</u>

FEDERAL FUNDS			
Federal Reimbursement	\$2,250,557	\$2,250,557	\$2,250,557
Costs – DSS – raise the age implementation	<u>(\$2,250,557)</u>	<u>(2,250,557)</u>	<u>(\$2,250,557)</u>
ESTIMATED NET EFFECT TO FEDERAL FUNDS	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT – Local Government</u>	FY 2022	FY 2023	FY 2024
COUNTIES			
Costs – to implement Raise the Age	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
ESTIMATED NET EFFECT TO COUNTIES	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</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 specifies that, for the purposes of Chapter 211, RSMo, Section 221.044, and original jurisdiction of the juvenile court, if a person was considered an adult when he or she allegedly violated a state law or municipal ordinance, he or she will no longer be considered a child. Additionally, under current law, no court will require a child to remain in the custody of the Division of Youth Services past the child's 18th birthday. This bill changes that provision so that a child can remain in the custody of the Division of Youth Services until the child's 19th birthday.

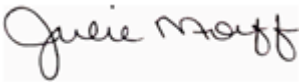
Lastly, the bill specifies that new treatment services expanding services from 17 years of age to 18 will be administered by the Division of Youth Services and the Children's Division within the Department of Social Services.

This bill has an emergency clause.

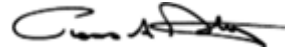
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Attorney General's Office
Office of the State Public Defender
Missouri Office of Prosecution Services
Department of Social Services



Julie Morff
Director
March 2, 2021



Ross Strobe
Assistant Director
March 2, 2021