

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **SB 324** SLS 16RS 398
 Bill Text Version: **ENROLLED**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.:

Date: June 6, 2016 1:58 PM	Author: MORRELL
Dept./Agy.: Office of Juvenile Justice	
Subject: Raise the Age/LJJ Planning & Implementation Committee	Analyst: Monique Appeaning

JUVENILE JUSTICE EN INCREASE GF EX See Note Page 1 of 2
 Creates the Raise the Age Louisiana Act of 2016 and the La. Juvenile Jurisdiction Planning and Implementation Committee. (8/1/16)

This legislation creates the Raise the Age Louisiana Act of 2016 and the Louisiana Juvenile Jurisdiction Planning and Implementation Committee. It amends and reenacts Children's Code Arts. 305(A)(2), 306(D), 306 (G) and 804(1) and to enact R.S. 15:1441 and 1442, relative to juvenile jurisdiction; to provide for a child who commits a delinquent act before a certain age; to provide for transfer of juveniles to adult detention centers pending trial; to create the Juvenile Jurisdiction Planning and Implementation Committee; to provide for effective dates; and to provide for related matters.

EXPENDITURES	2016-17	2017-18	2018-19	2019-20	2020-21	5 -YEAR TOTAL
State Gen. Fd.	\$0	INCREASE	INCREASE	INCREASE	INCREASE	\$0
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	\$0	\$0	\$0	\$0	\$0	\$0
Annual Total	\$0					\$0

REVENUES	2016-17	2017-18	2018-19	2019-20	2020-21	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	\$0	\$0	\$0	\$0	\$0	\$0
Annual Total	\$0	\$0	\$0	\$0	\$0	\$0

EXPENDITURE EXPLANATION

The proposed law is one part of a package of bills introduced in the 2016 Regular Session of the Louisiana Legislature seeking to implement dramatic reforms to the state's juvenile justice system. As reported by LSU Health New Orleans Institute for Public Health and Justice, in "A Legislated Study of Raising the Age of Juvenile Jurisdiction in Louisiana" in response to House Concurrent Resolution 73 of 2015, "Louisiana should strongly consider raising the age of juvenile court jurisdiction to include 17-year-old offenders. Findings suggest that this change would benefit public safety, promote youth rehabilitation, and create long-term savings." The report recommended a comprehensive five-year strategic plan for reforming juvenile justice to make structural changes that adopt evidenced-based practices and utilization of a comprehensive data infrastructure to inform policy. Senate Bills 301, 302, 303 and 324 comprise a package of bills seeking to implement these changes. To the extent that the adopted changes are effective in reducing recidivism of youthful offenders, reducing contact between youthful offenders and the adult criminal justice system, and reducing the likelihood that a youthful offender will grow into an adult habitual offender, the state may realize significant long-term savings over the course of those individuals' lifetimes. In the short-term, such proposals generally may create significant expenditure impacts as the state adopts programs and strategies to collect, disseminate and use data to effectuate evidence-based practices that lead to long-term success.

Proposed law will result in an increase in SGF expenditures of \$2.76 M in FY 18 for the Office of Juvenile Justice (OJJ) associated with certain changes that include sentencing guidelines for juvenile offenders, which may result in 17 year olds charged with non-violent offenses being served in the juvenile justice system as opposed to the adult correctional system. The cost breakdown is for the following areas: 1) Additional Non-secure Care Costs for 20 youth at \$375,002, and 2) Additional Supervision Cost for 294 youth at \$2,387,909. In FY 20, when the violent offenders are included, the estimated costs for additional Secure Care for 67 youth is \$3,095,994. While OJJ acknowledges that it has the physical capacity in its current facilities to house youth, OJJ believes that an additional facility is needed to house youth. OJJ reports that for a young person to benefit from the juvenile justice system's rehabilitative programming, youth must be housed in a therapeutic environment rather than a corrections based model. OJJ reports that it will likely need capital outlay funding dedicated to a facility to house the youth placed in secure care.

Continued on Page Two

REVENUE EXPLANATION

There is no anticipated direct material effect on governmental revenues as a result of this measure.

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| <input checked="" type="checkbox"/> 13.5.1 >= \$100,000 Annual Fiscal Cost {S&H} | <input checked="" type="checkbox"/> 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S} |
| <input type="checkbox"/> 13.5.2 >= \$500,000 Annual Tax or Fee Change {S&H} | <input type="checkbox"/> 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S} |

Evan Brasseaux
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Staff Director

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CONTINUED EXPLANATION from page one:

Continued Expenditure Explanation From Page One

The Louisiana District Attorneys Association (LDAA) reports the prospective application of proposed law would result in a negligible fiscal impact. However, the proposed law may have an indeterminable increase in SGF expenditures if the district attorneys (DAs) expand diversion programs. In this case, LDAA may need to hire additional administrative staff to monitor and implement diversion programs.

Department of Public Safety - Bureau of Criminal Identification and Implementation (BCII) - \$65,000

The proposed law may result in an increase in one-time SGF expenditures to the BCII of \$65,000 to modify the Automated Fingerprint Identification System (AFIS) system to properly process fingerprints submitted for criminal purposes. AFIS is currently designed to recognize a person under the age of 17 as a juvenile. These fingerprints are stored in AFIS, along with the offender's demographic information (date of birth, Social Security number, etc). BCII's contracted vendor (Morphotrak) will modify the system to increase the age of a juvenile from "under the age of 17" to "under the age of 18". The cost estimate of \$65,000 includes software installation and time/materials at a rate of \$232 per hour.

The proposed law will result in an indeterminable decrease in SGF expenditures for the Department of Public Safety and Corrections (DPSC) - Correction Services by the increase of the juvenile jurisdiction age from seventeen to eighteen. The decrease is not projected by the LFO to fully offset the increased expenditures associated with housing youth in secure care compared to their adult counterparts. The cost for state offenders housed in state facilities in the custody of the DPSC - Correction Services is \$51.68 per offender per day compared to youth in the custody of OJJ in Secure Care at a cost of \$143.28 per youth per day, a cost differential or potential increase of \$91.60 per day. The cost to house state offenders in the custody of DPSC - Corrections Services in a local facility is \$24.39 per offender per day compared to youth in the custody of OJJ housed in a local detention center classified as pending secure placement of \$112.78 per day, a cost differential or potential increase of \$88.39 per day.

OJJ's assumption for non-violent offenders moving into juvenile status in FY 18 projects a cost of approximately \$375,000 to house 20 youth in non-secure care placements for an average length of stay of 246 days. If the LFO assumes the same population was housed under DPSC custody at the local level for a full year, the cost would be approximately \$178,000 (20 x 365 days x \$24.39 per diem local housing of adult offenders), resulting in a net state cost increase of \$197,000. OJJ's assumption for resources to supervise 294 individuals moving into juvenile status in FY 18 projects a cost of approximately \$2.4 M for an average of 351 days. If the LFO assumes the same population was supervised under DPSC custody for a full year, the cost would be approximately \$273,641 (294 x 365 days x \$2.55 per diem adult parole), resulting in a net state cost increase of \$2.1 M. OJJ's assumption for violent offenders moving into juvenile status in FY 20 projects a cost of approximately \$3.1 M to house 67 youth in secure care placement for an average length of stay of 322.5 days. If the LFO assumes that the same population was housed in DPSC state facilities for a full year, the cost would be approximately \$1.26 M (67 X 365 days X \$51.68 per diem state housing of adult offenders), resulting in a net state cost increase of \$1.83 M.

NOTE: Reducing an individual offender does not produce a savings equal to the full per diem rate. DPSC has certain fixed costs for overhead and staff levels that cannot be reduced with a simple reduction of housed offenders.

Potential for Savings

The LFO acknowledges that raising the age for adult offenders from 17 to 18 years of age can result in a long-term, and perhaps short-term, cost savings to the state. These savings would be realized to the extent that the affected population of youth adjudicated at 17 years of age instead of convicted as adults would realize an equivalent reduction in recidivism compared to those housed in adult facilities. OJJ reported recently for individuals adjudicated at the age of 17 upon admission, the 1-year, 2-year and 3-year recidivism rates upon release were 8.2%, 17.6%, and 21.3% respectively. The recidivism rate for 17-year-olds upon admission within DPSC were 28.9%, 39.3%, and 48.2% respectively. The recidivism rate among 17-year-olds (at admission) in DPSC was significantly higher (20.7% at 1-year, 21.7% at 2-year and 26.9% at 3-year) than those 17-year-olds released from OJJ custody. To the extent that the population of 17-year-olds currently convicted under adult standards may realize equivalent recidivism rates as those 17-year-olds adjudicated under juvenile standards, the state stands to potentially realize significant savings at the 1, 2 and 3-year windows after release from a secure environment. These savings again are dependent upon the ability of the state agencies involved to downsize operational costs. Reducing an individual offender does not produce a savings equal to the full per diem rate. Fixed costs for overhead and staff levels cannot be reduced with a simple reduction of housed offenders. The LFO is unable to determine at what point in time the long-term potential savings will offset the short-term increase in expenditures associated with the transfer of the 17-year-old population from the adult system to the more expensive (per day) juvenile system.

Senate Dual Referral Rules House

[X] 13.5.1 >= \$100,000 Annual Fiscal Cost {S&H}

[X] 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}

[] 13.5.2 >= \$500,000 Annual Tax or Fee Change {S&H}

[] 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}

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