

LEGISLATIVE FISCAL OFFICE
Fiscal Note



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

Date: April 5, 2016 9:02 AM	Author: MORRELL
Dept./Agy.: Office of Juvenile Justice	Analyst: Monique Appearing
Subject: Raise the Age and LJJ Planning & Implementation Council	

JUVENILE JUSTICE OR 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 Council. (8/1/16)

This legislation creates the Raise the Age Louisiana Act of 2016 and the Louisiana Juvenile Jurisdiction Planning and Implementation Council. It amends and reenacts Children's Code Arts. 305(A)(2), 306(D), and 804(1) and to enact R.S. 15:1441 through 1443, 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 Council and provide for its membership, authority, duties, and responsibilities, including the power to issue subpoenas; to provide for an effective date; and to provide for related matters. Proposed Law states that it is the express intent of the legislature that any savings realized through certain operations be reinvested in evidence-based services that are designed to keep at-risk youth safely in their own homes and communities. In particular, the legislature intends that any resulting savings be invested through the Louisiana Juvenile Justice Reinvestment Program as referenced in Senate Bill 301 of the 2016 Regular Session.

EXPENDITURES	2016-17	2017-18	2018-19	2019-20	2020-21	5 -YEAR TOTAL
State Gen. Fd.	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
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						

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

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 of youthful offenders with 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.

The proposed law will result in an increase in SGF expenditures of \$5.9 M for the Office of Juvenile Justice (OJJ) associated with certain changes that include sentencing guidelines for juvenile offenders, which may result in the transfer of 17 year olds from the adult correctional system into OJJ custody or supervision. The cost breakdown is for the following areas: 1) Additional Secure Care Costs to cover 67 youth at \$3,095,994; 2) Additional Non-secure Care Costs to cover 20 youth at \$375,002, and 3) Additional Supervision Cost to cover 294 youth at \$2,387,909. Also, OJJ reports that it will likely need capital outlay funding dedicated to building a new facility to house the youth placed in secure care. OJJ estimates new construction will require \$24 M and take 3-5 years to build. Alternatively, renovation of an existing facility will require \$3-5 M and take 1-2 years.

Proposed law will result in no increase in SGF expenditures in the Office of the Governor with the creation of the Louisiana Juvenile Jurisdiction Planning and Implementation Council. If passed, the Office of the Governor will use existing staff to assist the council as needed. Members of the council shall serve without compensation. **Continued on Page Two**

REVENUE EXPLANATION

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

Senate Dual Referral Rules House

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

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}

Evan Brasseaux

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Staff Director

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CONTINUED EXPLANATION from page one:

Continued Expenditure Explanation From Page One

The proposed law will not result in an increase in SGF expenditures per the Supreme Court.

The Louisiana District Attorneys Association (LDAA) reports while the prospective application of proposed law would cause negligible impact, the retroactive application of the legislation may result in an increase in SGF expenditures of \$1.89 M - requiring the addition of 42 assistant district attorney positions at \$45,000 (plus appropriate employer contributions for retirement) to support the workload increase because the juvenile jurisdiction age changes from seventeen to eighteen. While effective July 1, 2017, this would apply prospectively and retroactively at the date, to "any person who is alleged to have committed a delinquent or criminal act." Fiscal challenges LDAA reported are based on time and labor associated with re-screening pending and potentially all cases committed by a seventeen year old offender, and engaging in litigation stemming from extensive filings (motions to reconsider, appeals, applications for post-conviction relief, etc) from those currently serving sentences who were seventeen at the time of offense.

The proposed law will result in an indeterminable decrease in SGF expenditures for the Department of Public Safety and Corrections - Correction Services by the increase of the juvenile jurisdiction age changing 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.

SGF expenditures will decrease by \$51.68 per offender per day if offenders are housed in state facilities and by \$24.39 for state offenders housed in local facilities. Offenders sentenced to the custody of the Department of Public Safety and Corrections for one year would decrease SGF expenditures by \$18,863 (\$51.68 per day x 365 days) if housed in a state facility and \$8,902 (\$24.39 per day x 365 days) if housed in local facilities. Approximately 50% of state offenders are housed in state facilities and approximately 50% of state offenders are housed in local facilities.

NOTE:

The bill in its current posture applies retroactively to previous convictions for individuals 17 and older. To the extent this retroactive provision is adopted, OJJ and LDAA report their projected expenditure impact will increase significantly. Per OJJ, the number of individuals falling into their custody and supervision could increase dramatically beyond assumed levels reflected above. Also, if the proposed legislation were applied retroactively with no limitations, the district attorney's office could potentially be required to re-screen and re-adjudicate every seventeen-year-old who has ever committed a delinquent or criminal act, even if they have no pending charges or sentence.

The Louisiana Public Defender Board (LPDB) reports that provisions in proposed law requiring that children adjudicated delinquent for a felony-grade offense that is not a crime of violence shall not be committed for a term to exceed 9 months and that the child shall be brought before the court for contradictory modification hearings will likely result in a cost savings generated by expedited modifications beyond the baseline. This will, in effect, likely serve to reduce the duration of costly commitments to out-of-home placements and create substantial savings. LPDB would realize incremental cost increases associated with representing youthful offenders for more frequent modification hearings, which should be more than offset at a state fiscal level by reduced commitments. OJJ would also realize increased costs associated with transporting youth to their home court districts for additional hearings, though reduction of commitment durations may offset this expense as well.

Senate Dual Referral Rules House

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