



# LEGISLATIVE FISCAL OFFICE

## Fiscal Note

Fiscal Note On: **SB 3** SLS 242ES 10Bill Text Version: **ENGROSSED**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

**REVISED****Date:** February 28, 2024 9:20 AM**Author:** CLOUD**Dept./Agy.:** Corrections, Youth Services, and LCLE**Subject:** Lowers Age for Consideration as Juvenile**Analyst:** Daniel Druilhet

PROBATION/PAROLE

EG SEE FISC NOTE GF EX See Note

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Lowers the age for consideration as a juvenile in the criminal justice system. (gov sig) (2/3 - CA5s19) (Item #11)

Current law defines child as (1) any person under the age of 21 who commits a delinquent act before attaining 17 years of age, (2) beginning March 1, 2019, any person under the age of 21, who commits a delinquent act on or after March 1, 2019, when the act is not a crime of violence (COV) and before attaining 18 years of age, and (3) after June 30, 2020, any person under the age of 21, who commits a delinquent act on or after July 1, 2020, and before attaining 18 years of age. Current law provides that the court is required to hold a hearing within 3 days after the child's entry into the juvenile detention center or shelter care facility. Proposed law amends current law to define child as (1) before March 1, 2019, and on or after April 19, 2024, any person under the age of 21 who commits a delinquent act before attaining 17 years of age; (2) from March 1, 2019, and until June 30, 2020, any person under the age of 21 who commits a delinquent act when the act is not a crime of violence and before the person reaches 18 years of age; (3) from March 1, 2024, until April 19, 2024, any person under the age of 21 who commits a delinquent act on or after July 1, 2020, through April 19, 2024, and before attaining 18 years of age; removes the mandate that a child 17 years of age is subject to the exclusive criminal jurisdiction of the appropriate court.

EXPENDITURES	2024-25	2025-26	2026-27	2027-28	2028-29	5 -YEAR TOTAL
State Gen. Fd.	<b>SEE BELOW</b>					
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Ded./Other	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Federal Funds	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Local Funds	<b>SEE BELOW</b>					
<b>Annual Total</b>						
REVENUES	2024-25	2025-26	2026-27	2027-28	2028-29	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Ded./Other	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Federal Funds	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Local Funds	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
<b>Annual Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

### EXPENDITURE EXPLANATION

Proposed law will likely result in an indeterminable decrease in SGF expenditures to the Office of Juvenile Justice and city and parish governments, an increase in local expenditures to Sheriff's departments, and an increase in SGF expenditures to the Louisiana Commission on Law Enforcement. Overall, net expenditures on a state and local level are indeterminable.

### Office of Juvenile Justice

Proposed law will likely result in an indeterminable decrease in SGF expenditures to the Office of Juvenile Justice (OJJ), as it would result in a lower number of youth requiring services from OJJ. The enactment of proposed law will reduce the youth population in non-secure and secure care, which will reduce the pending placement days of youth following adjudication and result in an indeterminable decrease in expenditures to the Local Housing of Juvenile Offenders budget. Reducing the number of youth in supervision would also provide reduced caseloads of Probation and Parole Officers in OJJ. However, the reduction in expenditures would not be realized until those currently under the care of OJJ are released over the next couple of fiscal years.

For informational purposes, the current average daily rate for housing juveniles in secure care facilities is \$203.10.

Note: The LFO is working with the Office of Juvenile Justice (OJJ) to generate information on the population of juveniles 17 years of age adjudicated delinquent and housed in secure care facilities for offenses that would be considered crimes of violence if committed by an adult, relative to the overall population of juveniles 17 years of age or older currently receiving services from OJJ. The LFO is also working to generate information relative to the number of juveniles 17 years of age or older adjudicated delinquent of offenses considered crimes of violence that are currently being held in pending secure care status relative to the overall population of juveniles 17 years of age or older currently receiving services from OJJ. This information will be provided once it becomes available.

### CONTINUED ON PAGE 2

### REVENUE EXPLANATION

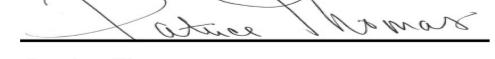
There is no anticipated direct material effect on governmental revenues as a result of this measure.

#### Senate      Dual Referral Rules

- 13.5.1 >= \$100,000 Annual Fiscal Cost {S & H}
- 13.5.2 >= \$500,000 Annual Tax or Fee Change {S & H}

#### House

- 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}
- 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}

  
Patrice Thomas  
Deputy Fiscal Officer



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### CONTINUED EXPLANATION from page one:

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### [CONTINUED EXPENDITURE EXPLANATION FROM PAGE 1]

#### Louisiana Commission on Law Enforcement

Proposed law will result in an increase in SGF expenditures for the Louisiana Commission on Law Enforcement (LCLE), as it will impact the manner in which it tracks and reports data on crime via its LEMIS (Law Enforcement Management Information System), LIBRS (Louisiana Incident Based Crime Reporting), and TrackCrime reporting systems. LCLE advises that minor changes and upgrades would be needed for LEMIS, but that major changes will be necessary to the LIBRS system to segregate data being collected on juvenile and adult crime statistics. LCLE also will have to proceed through a validation period to ensure that statistics being collected accurately reflect the intent of the statutory changes under proposed law. LCLE's IT vendor estimates that costs to reprogram the various data collection systems and conduct a validation period to identify and fix program errors would be in excess of \$300,000. The system upgrades and enhancements will be a one-time expenditure.

#### Local Expenditures

Proposed law will likely result in an indeterminable decrease in local expenditures for city and parish governments to the extent these entities are no longer required to house 17 year olds in juvenile detention centers during pre-trial proceedings after March 1, 2024. Under current law, cities and parishes are required to house 17 year olds in a juvenile detention center prior to trial (some exceptions provided). Local jurisdictions report paying approximately \$200 to \$250 per juvenile per day to juvenile detention centers, with one out of state facility charging \$600 per juvenile per day. In addition to the daily housing rate, local jurisdictions must also pay for travel costs to transport juveniles to and from the juvenile detention center for court appearances.

#### Department of Public Safety & Corrections - Corrections Services

Proposed law will likely result in an indeterminable increase in SGF expenditures to the Department of Public Safety & Corrections-Corrections Services (DPS&C-CS), to the extent that those 17 years of age or older adjudicated delinquent and currently receiving secure care services from OJJ will be housed in state and local facilities with DPS&C-CS.

SGF expenditures will increase by \$107.60 per offender per day to the extent that an offender is convicted and then housed in a state facility or \$26.39 per offender per day for an offender housed in a local facility. An offender sentenced to the custody of the DPS&C-CS for one year would increase expenditures by \$39,274 (\$107.60 per day x 365 days) if housed in a state facility and \$9,632.35 (\$26.39 per day x 365 days) if housed in a local facility. In public testimony during the 2024 2<sup>nd</sup> ES, Corrections Services testified that impacts on offender populations are anticipated to impact the number of offenders held in local facilities. Corrections Services reports that in managing its offender population, it seeks to fill all beds in state facilities first, then assigns overflow offenders to local facilities.

#### Sheriffs

Proposed law will likely result in an indeterminable decrease in expenditures to local Sheriff's, to the extent that those 17 years of age or older adjudicated delinquent and currently receiving secure care services from OJJ will be housed in local prisons pre-trial after April 19, 2024. The increase in local expenditures to house those 17 years of age or older pre-trial will vary depending upon the local costs assumed by prisons. Post-trial, expenditures to house those 17 years of age or older will be assumed by the Department of Public Safety & Corrections - Corrections Services.

#### District Attorneys

Proposed law will result in an indeterminable increase in local expenditures to district attorneys' offices to the extent that district attorneys exercise discretion to prosecute juveniles under the age of 18 accused of committing delinquent acts that are considered nonviolent offenses. The exact fiscal impact to local expenditures in district attorneys' offices is indeterminable, because it is unknown how many district attorneys' will chose to prosecute juveniles under the 18 who will be accused of committing nonviolent offenses in the future.

### [CONTINUED REVENUE EXPLANATION FROM PAGE 1]

For informational purposes, the Department of Public Safety & Corrections - Youth Services reports providing services to 1,897 juveniles as of 2/16/24 (17 year old youth - post adjudication) since Raise the Age legislation was passed. The juveniles were placed under supervision and/or care as listed below.

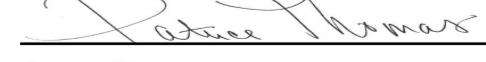
	Supervision	Non-Secure Care	Secure Care
FY 20 (Non-Violent Only)	438	53	29
FY 21 (Full Implementation)	412	46	44
FY 22	435	56	42
FY 23	530	53	38
By 24 (as of 2/16/24)	282	34	19
<b>Total Youth Served</b>	<b>1,897</b>	<b>242</b>	<b>172</b>

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