



LEGISLATIVE FISCAL OFFICE
Fiscal Note

Fiscal Note On: **HB 982** HLS 12RS 1442

Bill Text Version: **ENGROSSED**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

Date: May 1, 2012	3:01 PM	Author: BARROW
Dept./Agy.: Children & Family Services		
Subject: Licensing of Juvenile Detention Facilities		Analyst: Patrice Thomas

JUVENILES

EG SG RV See Note

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Provides relative to the standards, licensing, and disclosure requirements of juvenile detention facilities

Proposed law provides for the annual licensing of all detention facilities by the Department of Children and Family Services (DCFS) as well as a licensing fee based on the number of juveniles authorized for care at the facility - (1) \$400 for 6 or less juveniles; (2) \$500 for 7-15 juveniles; and (3) \$600 for 16 or more juveniles. Proposed law provides for civil fine of \$1,000/day for the operation of juvenile detention facility without a valid license. Proposed law provides for written warning that includes a corrective action plan in lieu of revocation for licensing violations; if corrective action plan is not implemented - up to \$250/day for each fine assessment not to exceed \$2,000 in a 12-month period. Proposed law directs all civil fines to be deposited into a special fund created by the Treasury named the Juvenile Detention Licensing Trust Fund. Proposed law requires DCFS to maintain a state central registry disclosure form for all justified findings of abuse and neglect at juvenile detention facilities and provides for civil fines to anyone that falsifies information on the state central registry. Proposed law requires to promulgate rules and regulations of this legislation with input and guidance from LA Juvenile Detention Assn.

EXPENDITURES	2012-13	2013-14	2014-15	2015-16	2016-17	5 -YEAR TOTAL
State Gen. Fd.	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Annual Total						

REVENUES	2012-13	2013-14	2014-15	2015-16	2016-17	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
Ded./Other	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
Annual Total						

EXPENDITURE EXPLANATION

Department of Children and Family Services

There is no anticipated direct material effect on expenditures in the Department of Children and Family Services (DCFS) as a result of this proposed legislation. The Legislative Fiscal Office anticipates a minimum workload increase associated with licensing of juvenile detention facilities that can be absorbed with existing staff and resources. Act 863 of the 2010 Regular Legislative Session required DCFS to begin licensing juvenile detention facilities by January 1, 2013.

Any civil fines assessed upon detention facilities by DCFS shall be deposited into the Juvenile Detention Licensing Fund. Monies deposited into the Juvenile Detention Licensing Fund shall be appropriated to DCFS for the following: (1) youth receiving services from juvenile detention facilities; (2) enforcement of sanctions against juvenile detention facilities, and (3) education and training of staff at juvenile detention facilities.

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REVENUE EXPLANATION

This legislation authorizes Department of Children and Family Services (DCFS) to assess an annual licensing fee for all juvenile detention facilities as follows: (1) \$400 for 6 or fewer juveniles; (2) \$500 for 7-15 juveniles; and (3) \$600 for 16 or more juveniles. Fees and Self-Generated Revenues are anticipated to increase to the department by an indeterminable amount depending on the number of juvenile detention facilities seeking licensing.

This proposed legislation creates the Juvenile Detention Licensing Trust Fund in the state treasury. Civil fines collected from juvenile detention facilities by DCFS shall be deposited into this fund and subject to annual appropriation by the Legislature. Civil fines are \$1,000 per day for operating without a license as well as \$250 per day for the licensing violations not exceeding \$2,000 in any consecutive 12-month period. The Legislative Fiscal Office cannot determine the number of juvenile detention facilities that will be assessed civil fines or anticipate the amount of funding that may be deposited into the fund or appropriated out of the fund in future fiscal years. In addition, this proposed legislation assess a criminal fine of \$500 and imprisonment for not more than six months or both for any owner, operator, current or prospective employees, or volunteer of any licensed juvenile detention facility that knowingly falsifies information on the state central registry disclosure form. However, any revenue generated through the imposition of fines as a result of conviction would accrue to local government entities.

Senate	Dual Referral Rules	House	
☐ 13.5.1 >= \$100,000 Annual Fiscal Cost {S&H}		☐ 6.8(F)1 >= \$500,000 Annual Fiscal Cost {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}	H. Gordon Monk Legislative Fiscal Officer



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CONTINUED EXPLANATION from page one:

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EXPENDITURE EXPLANATION CONTINUED

Division of Administrative Law

This proposed legislation allows juvenile detention facilities to appeal any violations issued by DCFS. The appeals will be handled by the Division of Administrative Law (DAL). The Legislative Fiscal Office (LFO) cannot determine the expenditure impact of this proposed legislation on DAL because it not known how many juvenile detention facilities would request an appeal. Until the appeal cases are identified and the DAL has had an opportunity to review the cases, the LFO cannot estimate the expenditure impact of this legislation. The DAL bills agencies \$125 per hour for the judge’s time.

Treasury

This proposed legislation creates a special fund in the Treasury known as the Juvenile Detention Licensing Trust Fund. The Legislative Fiscal Office anticipates a minimum workload increase associated with the creation and reporting requirements of the Juvenile Detention Licensing Trust Fund. However, the treasurer has noted that if the number of special and administrative funds increases significantly during the 2012 Regular Session this may cause a workload increase that results in the need for an additional State Treasury Fiscal Analyst.

Senate

Dual Referral Rules

House

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

☐ 6.8(F)1 >= \$500,000 Annual Fiscal Cost {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}

H. Gordon Monk
Legislative Fiscal Officer