

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 241** HLS 19RS 721
 Bill Text Version: **ENGROSSED**
 Opp. Chamb. Action: **w/ SEN COMM AMD**
 Proposed Amd.:
 Sub. Bill For.:

Date: May 15, 2019 5:21 PM	Author: JOHNSON, M.
Dept./Agy.: Public Safety and Corrections	Analyst: Monique Appeaning
Subject: Specific Parts of Law Changing From 17 to 18 yrs of age	

JUVENILES EG1 SEE FISC NOTE GF EX Page 1 of 1
 Provides relative to certain crimes and delinquency provisions when the offender is under the age of eighteen

Proposed law changes age of seventeen to eighteen for the crime of cyberbullying, online impersonation, retaliation by a minor against a parent, legal custodian, witness, or complainant, illegal possession of a handgun by a juvenile, and related matters.

EXPENDITURES	2019-20	2020-21	2021-22	2022-23	2023-24	5 -YEAR TOTAL
State Gen. Fd.	SEE BELOW					
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	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Annual Total						
REVENUES	2019-20	2020-21	2021-22	2022-23	2023-24	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	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Annual Total	\$0	\$0	\$0	\$0	\$0	\$0

EXPENDITURE EXPLANATION

There is no anticipated direct material effect on governmental expenditures as a result of this measure. Based on information provided by the Louisiana District Attorneys Association (LDAA), **proposed law** is a "clean up" bill. In 2016, the Legislature passed Act 501 "Raise the Age," which increased the upper age limit of juvenile jurisdiction from 17 to 18 in a staggered manner. Originally, non-violent offenders were to take effect 7/1/2018, and violent offenders on 7/1/2020. Subsequently, Act 654 (2018 Regular) delayed implementation of non-violent offender 17 year olds until 3/1/2019.

LDAA reports that certain criminal and procedural statutes dealing with the pertinent 17 year old language were not addressed in the recent legislation. **Proposed law** seeks to provide clarity to these criminal proceedings. The LDAA reports that **proposed law** will not result in more 17 year olds being treated as juveniles, nor less 17 year olds being treated as adults. Those distinctions were accomplished by Act 501 (2016) and implemented by Act 324 (2018 regular). As such, the fiscal impact was already attributed to Act 501 (2016 regular) and Act 324 (2018 regular). This bill cleans up confusion that was caused for certain criminal charges when "Raise the Age" went into effect on 3/1/2019.

Proposed law changes specific parts of the law raising the age for juvenile applicability from seventeen to eighteen for cyberbullying, online impersonation, retaliation by a minor against a parent or legal custodian, and illegal possession of a handgun by a juvenile.

For illustrative purposes: there are currently no offenders serving time for cyberbullying, online impersonation or retaliation by a minor against a parent, legal custodian, witness, or complainant. There are currently five (5) offenders with an average age of 17.1 years that have been convicted of illegal possession of a handgun. There were five (5) admissions in 2018 with an average sentence length imposed of 5.3 years. Assuming the average number of admissions and age of an offender convicted of illegal possession of a handgun by a juvenile remains the same, the state realizes a net expenditure increase housing an offender in OJJ. OJJ reports the average daily cost to house a youth statewide is \$156.62. The average daily rate to house an offender in an adult state facility is \$60.09. The net daily difference is an additional cost of \$96.53.

\$156.62	Statewide Average Daily Cost to House a Youth at OJJ
- \$60.09	DOC average daily cost to house an offender in a state facility
<u>\$96.53</u>	Approximate average daily cost increase

REVENUE EXPLANATION

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

<u>Senate</u>	<u>Dual Referral Rules</u>	<u>House</u>
<input type="checkbox"/> 13.5.1 >= \$100,000 Annual Fiscal Cost {S & H}		<input 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