



**LEGISLATIVE FISCAL OFFICE
Fiscal Note**

Fiscal Note On: **SB 159** SLS 23RS 61
 Bill Text Version: **ENGROSSED**
 Opp. Chamb. Action: **w/ HSE FLOOR AMD**
 Proposed Amd.:
 Sub. Bill For.:

Date: June 6, 2023	8:49 AM	Author: CATHEY
Dept./Agy.: Youth Services (OJJ); Corrections; DPS&C (Public Safety)		
Subject: Detention of 17 Year Old Juveniles - Certain Circumstances		Analyst: Daniel Druilhet

JUVENILE JUSTICE EGF SEE FISC NOTE LF EX See Note Page 1 of 2
 Provides for the detention of seventeen year old juveniles under certain circumstances. (gov sig)

Current law provides that a child 15 years of age or older at the time of commission of 1st degree or 2nd degree murder, aggravated or 1st degree rape, or aggravated kidnapping (one of several offenses) is subject to the exclusive jurisdiction (EJ) of the juvenile (JUV) court until either an indictment charging one of the offenses is returned or the JUV court holds a continued custody hearing (CCH) pursuant to Children’s Code Articles 819 and 820 and finds probable cause that the JUV committed one of those offenses. Proposed law amends current law to provide that if an indictment is returned thereafter, the JUV shall be subject to the EJ of the appropriate court exercising criminal jurisdiction (CJ) for all subsequent procedures and the court exercising CJ may order the JUV transferred to the appropriate adult facility prior to trial if the JUV has not already been detained pursuant to Children’s Code Article 306; provides that a JUV 17 years of age or older at the time of commission of one of several offenses also defined as a crime of violence (COV) shall be held in adult jail or lockup prior to a CCH, if the JUV has a history of prior delinquent acts; provides conditions a court shall consider to determine whether a JUV 17 years of age or older should be held in an adult jail prior to trial (if he has committed one of several offenses also defined as a COV, and the court has determined that it is in the interest of justice). Proposed law repeals the “Raise the Age” Law (2016 RS) effective 7/1/23.

EXPENDITURES	2023-24	2024-25	2025-26	2026-27	2027-28	5 -YEAR TOTAL
State Gen. Fd.	DECREASE	DECREASE	DECREASE	DECREASE	DECREASE	
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	SEE BELOW					
Annual Total						
REVENUES	2023-24	2024-25	2025-26	2026-27	2027-28	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	SEE BELOW					
Local Funds	\$0	\$0	\$0	\$0	\$0	\$0
Annual Total						

EXPENDITURE EXPLANATION

Proposed law will likely result in an indeterminable decrease in SGF expenditures to the Office of Juvenile Justice (OJJ), as it will result in a lower number of youth requiring services from OJJ. Proposed law would allow juveniles, prior to an indictment charging them with an offense included within current law, to be detained in adult facilities while awaiting transfer of cases to the jurisdiction of adult criminal court. Proposed law would also allow juveniles, prior to a continued custody hearing, and prior to an adjudication of their case, to be held in an adult jail or lockup.

Proposed law will likely result in an indeterminable decrease in expenditures for city and parish governments to the extent these entities are no longer required to house 17 year olds in a juvenile detention center pre-trial (specifically prior to an indictment, prior to a continued custody hearing, and throughout the adjudication of their case). 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. Costs for local jurisdictions will likely decrease as a result of the proposed law, but will vary on the daily rate charged by local sheriffs or other jurisdictions who will be required to house juveniles 17 years or older with the enactment of proposed law.

Proposed law will result in an indeterminable increase in expenditures to local Sheriff’s departments to the extent they are required to house 17 year olds pre-trial. The Louisiana Sheriffs’ Association (LSA) reports that most Sheriff’s departments do not currently house juveniles because they are unable to keep the juveniles “sight and sound separated” as required under the Juvenile Justice and Delinquency Prevention Act (JJJPA). The LSA reports there will likely be increased costs for local Sheriffs for renovations to existing facilities in order to house 17 year olds and be in compliance with federal law. The impact is indeterminable as the LSA and local sheriffs are currently unable to determine the scope of the renovations.

REVENUE EXPLANATION

There is no anticipated direct material effect on governmental revenues as a result of this measure. To the extent local jurisdictions are not in compliance with the sight and sound regulations set forth in the JJJPA, there may be an indeterminable impact on federal grant funding through the Louisiana Commission on Law Enforcement.

Continued on Page 2

<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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 Interim Deputy Fiscal Officer



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CONTINUED EXPLANATION from page one:

[CONTINUED EXPENDITURE EXPLANATION FROM PAGE 1]

Proposed law will likely result in an increase in SGF expenditures to the Department of Public Safety & Corrections - CS if juveniles, normally detained in juvenile detention facilities while awaiting transfer of cases to the jurisdiction of adult criminal court, prior to a continued custody hearing and adjudication, are detained in adult facilities. For juveniles detained pursuant to proposed law in the future, SGF expenditures will increase by \$101.76 per offender per day to the extent that a juvenile offender is detained either while awaiting transfer to adult criminal court, prior to a continued custody hearing, and prior to adjudication of his case while housed in a state facility or \$26.39 per offender per day for an offender housed in a local facility.

[CONTINUED REVENUE EXPLANATION FROM PAGE 1]

The Louisiana Commission on Law Enforcement (LCLE) receives federal grant funding through the Juvenile Justice and Delinquency Prevention Act (JJJPA) Formula Grants Program. LCLE reports it receives approximately \$500,000 - \$750,000 annually through this program. The grant is to assist states in the development of more effective education, training, research, prevention, diversion, treatment, and rehabilitation programs in the area of juvenile delinquency and programs to improve the juvenile justice system. The JJJPA and corresponding administrative rules and regulations require that juveniles alleged to be or found to be delinquent will not be detained or confined in any institution in which they have sight and sound contact with adult inmates. Any state not in compliance with the JJJPA shall have its grant funding reduced by not less than 20% for each core requirement violated. The proposed legislation may reduce the funding from the JJJPA program by 20% if Louisiana is found to not be in compliance with the sight and sound regulations set forth in the JJJPA.

Because JJJPA requires juveniles alleged to be delinquent (pre-adjudication) to be sight and sound separated from adult offenders, proposed law will violate this provision and result in a reduction in funding for the LCLE from the JJJPA Formula Grants Program.

For informational purposes, the LFO has requested that the Office of Juvenile Justice provide information regarding how many juveniles have been detained pre-trial in juvenile detention facilities in FY 22. The LFO has not received additional information from the Office of Juvenile Justice regarding the number of juveniles detailed pre-trial in juvenile detention facilities in FY 22, but will report any additional information as it becomes available.

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}

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