

LEGISLATIVE FISCAL OFFICE
Fiscal Note

Fiscal Note On: **SB 2** SLS 243ES 15
 Bill Text Version: **ENROLLED**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.:

Date: November 25, 2024 11:28 AM **Author:** CLOUD
Dept./Agy.: Sheriffs/Corrections/LCLE **Analyst:** Daniel Druilhet
Subject: Offensives - Special Juvenile Procedures Inapplicable

JUVENILE JUSTICE EN SEE FISC NOTE GF EX See Note Page 1 of 1

Constitutional amendment to provide relative to offenses to which special juvenile procedures are not applicable. (2/3 - CA13s1(A))(Item #19)

Cur rent law is a Constitutional amendment that provides that the determination of guilt or innocence, detention, and custody of a person alleged to have committed a crime prior to his 17th birthday shall occur pursuant to special juvenile procedures; provides that the legislature may by 2/3 vote of elected members of each house: (1) provide that special juvenile procedures shall not apply to juveniles arrested for a delineated list of offenses, (2) provide that the legislature may establish a procedure by which the court of original jurisdiction may waive special juvenile procedures in order that adult procedures shall apply in individual cases; provides that by a majority of elected members of each house, the legislature shall make special provisions for detention and custody of juveniles subject to the jurisdiction of the district court pending determination of guilt or innocence. Proposed law amends current law to state that the legislature may by 2/3 vote of elected members of each house, provide that special juvenile procedures shall not apply to juveniles arrested for any crime specified by act of the legislature; provides that proposed amendment be placed on a ballot for statewide election on 3/29/25 or at a statewide election authorized by law, whichever occurs first.

EXPENDITURES	2024-25	2025-26	2026-27	2027-28	2028-29	5 -YEAR TOTAL
State Gen. Fd.	\$0	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	\$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	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	\$0
Annual Total	\$0					\$0

REVENUES	2024-25	2025-26	2026-27	2027-28	2028-29	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

The proposed law may result in an indeterminable net expenditure impact on state and local government agencies.

Office of Juvenile Justice, Department of Public Safety & Corrections - Corrections Services, and Local Sheriffs

Proposed law has the effect of allowing the legislature to, by a two-thirds vote of elected members of each house, provide that special juvenile procedures shall not apply to juveniles arrested for any crime provided by law, which potentially expands the class of crimes under which special juvenile procedures would not apply with enabling legislation. To the extent that more juveniles are prosecuted through the adult criminal courts and not adjudicated through juvenile proceedings, there may be an increase in juveniles convicted and subsequently incarcerated in the Department of Public Safety & Corrections - Corrections Services (DPS&C-CS) or with Local Sheriffs.

The exact fiscal impact of the passage of this legislation is indeterminable, because it is not known the extent to which crimes exclusively under the jurisdiction of juvenile courts would be included with those under which special juvenile procedures would not apply. Also, an increase or decrease in the number of juveniles within the custody of the Office of Juvenile Justice (OJJ), the DPS&C-CS, or Local Sheriffs would have an indeterminable impact on the expenditure of funds required for services rendered by either state (SGF) or local agencies (Local Funds expenditures), including detention. To the extent that the constitutional amendment is approved and the legislature takes additional legislative action enacting statutory provisions amending offenses in which special juvenile procedures shall not apply, the number of juveniles committed to the custody of either the Office of Juvenile Justice, the DPS&C-CS, or Local Sheriffs could increase or decrease.

For informational purposes, DPS&C-CS incurs costs of \$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, while the current average daily rate for housing juveniles in secure care facilities is \$203.10.

Note: The Department of State may incur additional election costs to place constitutional amendments on the ballot on March 29, 2025. If a statewide election is required for voters to contemplate constitutional amendments or other statewide measures, the Department of State will require an additional appropriation in FY 25. The estimated cost of holding a statewide election is \$7 M. An additional \$2.9 M would be needed to transition the election to a statewide election for all parishes and precincts. Currently, HB 4 of the 2023 3rd ES includes an appropriation of \$3.3 M to change the March 29, 2025 election to a statewide election.

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