

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

April 1, 2015

TO: Honorable Harold V. Dutton, Jr., Chair, House Committee on Juvenile Justice & Family Issues

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB53 by McClendon (Relating to the age of criminal responsibility and to certain substantive and procedural matters related to that age.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB53, As Introduced: a negative impact of (\$76,256,018) through the biennium ending August 31, 2017.

Additional costs potentially associated with increased demand on juvenile probation programming are not included in this analysis and could be significant.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2016	(\$16,327,488)
2017	(\$59,928,530)
2018	(\$67,971,164)
2019	(\$61,778,286)
2020	(\$56,940,324)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund
	1
2016	(\$16,327,488)
2017	(\$59,928,530)
2018	(\$67,971,164)
2019	(\$61,778,286)
2020	(\$56,940,324)

Fiscal Analysis

The bill would amend various codes as they relate to the age of criminal responsibility and to certain substantive and procedural matters related to that age. Under the provisions of the bill, individuals who are 17 years of age at offense would be considered juveniles and would be under the jurisdiction of juvenile courts and the juvenile justice system instead of the adult system. The bill would make conforming changes to the jurisdiction of juvenile courts, probation, and state residential facilities. The bill would also change the punishment for 18 year olds convicted of a capital felony. The bill would take effect on September 1, 2015 and apply to offenses committed on or after the effective date of the Act.

Methodology

Sentencing trends in both the juvenile and adult justice systems were analyzed to determine the proportion of adult correctional institution, community supervision, and parole supervision admissions who would be served by the juvenile justice system in the future.

In fiscal year 2014, there were 514 new admissions to adult correctional institutions for individuals who were 17 at offense and would be eligible for commitment in juvenile state residential facilities. Under the provisions of the bill, all of these individuals could be eligible for commitment to juvenile state residential facilities. This analysis assumes a portion, 66 percent, of these individuals will receive services in juvenile state residential facilities and the remaining 34 percent would be supervised by juvenile probation departments. This analysis also assumes a portion, 76 percent, of those admitted to juvenile state residential facilities would be released to juvenile parole supervision.

In fiscal year 2014, 7,587 individuals were placed on adult community supervision who were 17 at offense and would be eligible to be supervised by juvenile probation departments. Under the provisions of the bill, all of these persons could be eligible to be placed on juvenile probation supervision. This analysis assumes a portion, 71 percent, of these individuals would be supervised by juvenile probation departments and 29 percent would receive no supervision.

Savings are estimated based on the state costs per day for adults in Texas Department of Criminal Justice correctional institutions (\$54.89), under adult parole supervision (\$4.04), and under adult community supervision (\$1.63). Costs are estimated based on the state costs per day for juveniles in Texas Juvenile Justice Department state residential facilities (\$437.11), juvenile parole (\$31.93), juvenile probation supervision (\$5.40) and juvenile detention (\$9.77). This estimate assumes a time lag before the first individuals enter the juvenile justice system after the bill becomes effective and that not all of those entering the juvenile justice system would complete their length of stay within the first fiscal year; therefore, the first year costs would be approximately \$16,327,488 in fiscal year 2016.

This analysis does not include potentially significant costs associated with probation programming such as mental health, substance abuse, or other specialized services, including placement in residential post-adjudication facilities.

The Texas Commission on Jail Standards and the Texas Education Agency indicate they do not anticipate a significant fiscal impact. The Office of Court Administration indicates they do not anticipate a significant fiscal impact to district and county level courts. The Office of Court Administration and the Comptroller of Public Accounts indicate the fiscal impact to juvenile courts cannot be determined. It is assumed the Department of Public Safety can implement the provisions of the bill within existing resources.

Local Government Impact

There would be an indeterminate fiscal impact to local governments as a result of the provisions of the bill. Due to the vast characteristics of the juvenile population and the unknown composition of the future population of offenders, local government entities costs associated with this bill are difficult to estimate. The cost to each individual county juvenile department would vary depending on a number of factors including, the size of the county and the areas served; the number of offenders served; the severity of offenses committed and prosecuted; and the range of services provided. Texas Association of Counties reported the average first year cost for eight reporting counties was \$2,179,474.

Rockwall County Juvenile Services reported an estimated cost of \$107,307 in fiscal year (FY) 2016; and similar costs for FY 2017-2020. The costs include residential placements, detention services, psychological evaluations and additional staff.

Lubbock County Juvenile Justice Center reported an estimated cost \$5,180,080 in FY 2016 and \$1,048,120-\$1,123,691 in FY 2017-2020; including an expansion of a structure, additional staff, residential supplies and psychological and medical assessments.

Bexar County Juvenile Probation Department reported an estimated cost of \$8,233,463 in FY 2016; and similar costs for FY 2017-2020. The costs include additional staff, residential placement services and program services.

Tarrant County Juvenile Services reported an estimated cost of \$2,826,146 in FY 2016; and costs ranging from \$2,889,126-\$3,157,026 in FY 2017-2020. The costs include office space, program services, and detention and program services.

Nueces County Juvenile Probation Department reported an estimated cost of \$644,478 in FY 2016; and similar costs for FY 2017-2020. The costs include additional staff, medical assessments and program costs.

El Paso County Juvenile Probation Department reported significant costs associated with the provisions of the bill.

Harris County reported an estimated cost of \$50,181,897 in FY 2016 and \$18,212,354-\$19,901,131 in FY 2017-2020; including a new juvenile detention center, probation costs, and a new juvenile court. The county reported \$3,123,000 for FY 2016; and similar amounts in FY 2017-2020 in county jail savings.

County adult probation departments indicated the fiscal impact of the bill would be insignificant. While these local departments may experience a decrease in the population they serve resulting in a loss of certain funding, this decrease in population may also allow staff and other resources to be made available.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts, 405 Department of Public Safety, 409 Commission on Jail Standards, 537 State Health Services, Department of, 644 Juvenile Justice Department, 696 Department of Criminal Justice, 701 Central Education Agency

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