

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

March 27, 2019

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

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB344 by Dutton (relating to the age of criminal responsibility and to certain substantive and procedural matters related to that age.), **Committee Report 1st House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for HB344, Committee Report 1st House, Substituted: a negative impact of (\$10,702,652) through the biennium ending August 31, 2021. The negative fiscal implications are estimated to increase in subsequent years.

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
2020	\$0
2021	(\$10,702,652)
2022	(\$37,109,970)
2023	(\$37,378,714)
2024	(\$28,243,741)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund
2020	\$0
2021	(\$10,702,652)
2022	(\$37,109,970)
2023	(\$37,378,714)
2024	(\$28,243,741)

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 at offense would be considered juveniles and would be under the jurisdiction of juvenile courts and the juvenile justice system instead of the adult criminal justice system. The bill would also make conforming changes to the jurisdiction of juvenile courts, probation, and state residential facilities. The sections of the bill changing the age of criminal responsibility would take effect on September 1, 2020 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 how those 17 at offense previously served in adult correctional institution, community supervision, and parole supervision would be served by juvenile courts, probation, state residential facilities and parole in the future.

In fiscal year 2018, there were 456 new admissions to adult correctional institutions for individuals who were 17 at offense and would be eligible for commitment to juvenile state residential facilities under the provisions of the bill. This analysis assumes a portion, 50 percent or 229 of these individuals will receive services in juvenile state residential facilities, 71 individuals would be certified as an adult, and 156 individuals would be supervised by juvenile probation departments. This analysis also assumes a portion, 70 percent, of those admitted to juvenile state residential facilities would be subsequently released to juvenile parole supervision.

In fiscal year 2018, 5,583 individuals 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 individuals could be eligible to be placed on juvenile probation supervision. This analysis assumes a portion, 67 percent, of these individuals would be supervised by juvenile probation departments and 33 percent would receive no supervision. Estimated populations are based on the adult incarceration projections included in the *January 2019 Adult and Juvenile Correctional Population Projections* report and juvenile justice system disposition trends.

Savings are estimated based on the state costs per day for adults in Texas Department of Criminal Justice correctional institutions (\$62.34) and under adult community supervision (\$1.92). Adult parole supervision savings would not be realized within the first five years following passage. Costs are estimated based on the state costs per day for juveniles in Texas Juvenile Justice Department state residential facilities (\$479.56), on juvenile parole supervision (\$41.07), on juvenile probation supervision (\$3.53), and in juvenile detention (\$14.84). Savings and costs are based on cost per day figures as reported in the *January 2019 Criminal and Juvenile Justice Uniform Cost report*. Since the bill becomes effective September 1, 2020, there is no fiscal impact during fiscal year 2020. This estimate assumes a small time lag before the first individuals enter the juvenile justice system after the bill becomes effective. Based on current length of stay patterns, it also assumes not all of those entering the juvenile justice system would complete their length of stay within the first year the bill is effective; therefore, the cost estimate for fiscal year 2021 would be approximately \$10,702,652.

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 Office of Court Administration, indicate they do not anticipate a significant fiscal impact. This analysis assumes costs to the Department of Public Safety can be absorbed within existing resources.

Local Government Impact

According to Harris County, the fiscal impact to the county will be between \$23.0 million and \$28.3 million. This cost includes additional yearly staffing and operating costs of between \$15.5 and \$15.7 million, \$6.7 million for increased adult probation supervision, and \$1.3 million for running the Juvenile District Court. Based on their projected costs and facility needs, a new juvenile facility could cost up to an additional \$50.0 million.

Lubbock County anticipates an ongoing yearly fiscal impact to the county between \$1.4 and \$1.5 million. The Lubbock County Juvenile Justice Center anticipates requiring additional staff, facility and service expansion (such as education and food services), as well as potential judicial costs due to possible increases in indigent defense costs.

Williamson County anticipates a significant fiscal impact to the county. Costs in the first fiscal year are estimated at \$1.6 million for increased staff and operations. Facility expansion is estimated to be \$60.0 million. Ongoing yearly impacts after the 2020-21 biennium are estimated at \$220,000 per year for staffing and operational costs.

El Paso County anticipates a significant fiscal impact to the county. Costs in the first fiscal year are estimated at \$2.1 million for additional staff and operational costs. Facility expansion in addition to staffing and operational costs is anticipated to be \$16.7 million in fiscal year 2022.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts, 405 Department of Public Safety, 644 Juvenile Justice Department, 696 Department of Criminal Justice, 409 Commission on Jail Standards

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