

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: **HB1364** by Wu (relating to the age of a child at which a juvenile court may exercise jurisdiction over the child and to the minimum age of criminal responsibility.),
Committee Report 1st House, Substituted

Estimated Two-year Net Impact to General Revenue Related Funds for HB1364, Committee Report 1st House, Substituted: a positive impact of \$1,195,274 through the biennium ending August 31, 2021.

General Revenue-Related Funds, Five-Year Impact:

| Fiscal Year | Probable Net Positive/(Negative) Impact to General Revenue Related Funds |
|-------------|---|
| 2020 | \$437,624 |
| 2021 | \$757,650 |
| 2022 | \$815,564 |
| 2023 | \$817,740 |
| 2024 | \$817,740 |

All Funds, Five-Year Impact:

| Fiscal Year | Probable Savings/(Cost) from <i>General Revenue Fund</i> 1 |
|-------------|---|
| 2020 | \$437,624 |
| 2021 | \$757,650 |
| 2022 | \$815,564 |
| 2023 | \$817,740 |
| 2024 | \$817,740 |

Fiscal Analysis

The bill would amend various codes to increase the minimum age at which a person may be subject to the jurisdiction of a juvenile court from 10 years old at the age of offense to 12 years old at the age of offense unless persons 10 or 11 years old were alleged to have committed an

offense that is a second degree felony or higher.

Methodology

Sentencing trends in the juvenile justice system were analyzed to determine the effect of raising the minimum age of juvenile jurisdiction on juvenile state residential facilities, juvenile probation supervision, and juvenile parole supervision populations.

In fiscal year 2018, fewer than ten juveniles were committed to the Texas Juvenile Justice Department, fewer than ten were placed on parole, and 640 of those who started juvenile probation supervision were under age 12 and would no longer be under the jurisdiction of a juvenile court under the provisions of the bill. Savings 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 facilities (\$14.84). Savings are based on cost per day figures as reported in the January 2019 Criminal and Juvenile Justice Uniform Cost report. This estimate assumes a small time lag after the bill becomes effective before savings would occur. 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 savings estimate for fiscal year 2020 would be approximately \$437,624.

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

The Office of Court Administration indicates they do not anticipate a significant fiscal impact.

Local Government Impact

According to Harris County, no significant fiscal implication to the county is anticipated. The bill would not affect staffing or services currently provided by their county.

Source Agencies: 644 Juvenile Justice Department, 696 Department of Criminal Justice,
212 Office of Court Administration, Texas Judicial Council

LBB Staff: WP, JPo, LBO, LM, AF