

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

March 22, 2021

TO: Honorable Victoria Neave, Chair, House Committee on Juvenile Justice & Family Issues

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB967 by Dutton (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 HB967, As Introduced : a negative impact of (\$42,339,635) through the biennium ending August 31, 2023.

Additionally 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:

<i>Fiscal Year</i>	<i>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</i>
2022	\$0
2023	(\$42,339,635)
2024	(\$53,758,222)
2025	(\$61,156,389)
2026	(\$72,848,956)

All Funds, Five-Year Impact:

<i>Fiscal Year</i>	<i>Probable Savings/(Cost) from General Revenue Fund 1</i>
2022	\$0
2023	(\$42,339,635)
2024	(\$53,758,222)
2025	(\$61,156,389)
2026	(\$72,848,956)

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 juvenile state residential facilities. The sections of the bill changing the age of criminal responsibility would take effect on September 1, 2022 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, 2018, there were 116 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, 60 percent or 70 of these individuals, will receive services in juvenile state residential facilities, 26 individuals would be certified as an adult, and 20 individuals would be supervised by juvenile probation departments. This analysis also assumes a portion, 74 percent, of those admitted to juvenile state residential facilities would be subsequently released to juvenile parole supervision.

In fiscal year 2019, there were 122 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, 60 percent or 73 of these individuals, will receive services in juvenile state residential facilities, 27 individuals would be certified as an adult, and 22 individuals would be supervised by juvenile probation departments. This analysis also assumes a portion, 74 percent, of those admitted to juvenile state residential facilities would be subsequently released to juvenile parole supervision.

In fiscal year 2020, there were 68 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, 60 percent or 41 individuals, will receive services in juvenile state residential facilities, 15 individuals would be certified as an adult, and 12 individuals would be supervised by juvenile probation departments. This analysis also assumes a portion, 74 percent, of those admitted to juvenile state residential facilities would be subsequently released to juvenile parole supervision.

In fiscal year 2018, 646 individuals were placed on adult felony community supervision who were 17 at offense and would be eligible to be supervised by juvenile probation departments; in fiscal year 2019, 548 individuals were placed on adult felony community supervision who were 17 at offense and would be eligible to be supervised by juvenile probation departments; and in fiscal year 2020, 411 individuals were placed on adult felony 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 34 percent would receive no supervision. Estimated populations are based on the adult incarceration projections included in the *January 2021 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 (\$69.27) and under adult community supervision (\$2.13). 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 (\$616.70), on juvenile parole supervision (\$50.55), on juvenile probation supervision (\$3.90), and in juvenile detention (\$18.66). Savings and costs are based on cost per day figures as reported in the *January 2021 Criminal and Juvenile Justice Uniform Cost* report. This estimate assumes a small time lag before the first individuals enter the juvenile justice system after the bill becomes effective. The bill would not go into effect until September 1, 2022; therefore, the cost estimate for fiscal year 2022 is \$0. 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 2023 would be approximately \$42,339,635. The cost estimate for fiscal year 2024 would be \$53,758,222, the cost estimate for fiscal year 2025 would be approximately \$61,156,389, and the cost estimate for fiscal year 2026 would be approximately \$72,848,956.

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.

Local Government Impact

The Justices of the Peace and Constables Association does not see a fiscal impact to justice courts from implementing the provisions of the bill as introduced.

Lubbock County Juvenile Justice Center anticipates a significant fiscal impact in the amount of \$12.4 million in FY 2022, and approximately \$1.3-1.5 million per fiscal year thereafter. The increased costs are due to required new staff, facility expansions, residential supplies and other required operational costs.

Brazoria County Juvenile Justice Department anticipates a significant fiscal impact in the amount of approximately \$4.9 million in FY 2022, \$17.9 million in FY 2023, and approximately \$1.7-1.8 million each fiscal year thereafter.

Hidalgo County anticipates a significant fiscal impact due to required increases in staffing needs, staff training and equipment, medical and psychiatric services, facility's needs, and educational services.

Hill County anticipates a moderate fiscal impact of approximately \$130,000 per fiscal year.

Harris County Juvenile Probation Department anticipates a potentially significant fiscal impact, but in an amount that cannot be determined at this time.

Leon County Juvenile Probation Department anticipates a significant impact to the department, but in an amount that cannot be estimated at this time.

Galveston County Juvenile Probation Department anticipates a significant fiscal impact of \$4.5 million in FY 2022, \$16.6 million in FY 2023, and \$1.6 million in each fiscal year thereafter due to increased staffing needs, facilities expansion and maintenance, and additional facility services and services provided to the juvenile population.

Lampasas County Juvenile Probation Department anticipates a significant fiscal impact, but in an amount that cannot be determined at this time.

Cameron County Juvenile Justice Department anticipates a significant fiscal impact of \$5.5 million in FY 2022, and approximately \$2.3-2.6 million in each fiscal year thereafter due to required new staff, expansion and upgrade of facilities, new operational costs, and new and increased services necessary for the juvenile population served.

Comal County Juvenile Probation Department anticipates a significant fiscal impact, but in an amount that cannot be determined at this time.

Brown County Juvenile Probation Department anticipates a significant fiscal impact, but in an amount that cannot be determined at this time.

Wood County Juvenile Probation Department anticipates a significant fiscal impact to their department, due to required new staff, increased facility space, increased services for juveniles, and increased maintenance and staff needs.

Williamson County Juvenile Services anticipates a significant fiscal impact of \$1.6 million in the FY 2022, and \$.13 million each fiscal year thereafter. The increased costs are due to new required staff, increased medical and treatment services, increased operational needs, and other maintenance costs.

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

LBB Staff: JMc, DKN, LM, MP