

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION**

**April 18, 2021**

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

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB4371** by Allen (Relating to juvenile justice reform, including the age of a child at which a juvenile court may exercise jurisdiction over the child and the age of criminal responsibility.), **As Introduced**

**Estimated Two-year Net Impact to General Revenue Related Funds for HB4371, As Introduced :** a negative impact of (\$76,805,508) through the biennium ending August 31, 2023.

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:**

<i>Fiscal Year</i>	<i>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</i>
2022	(\$32,689,929)
2023	(\$44,115,579)
2024	(\$51,488,756)
2025	(\$63,207,736)
2026	(\$63,283,437)

**All Funds, Five-Year Impact:**

<i>Fiscal Year</i>	<i>Probable Savings/(Cost) from General Revenue Fund 1</i>
2022	(\$32,689,929)
2023	(\$44,115,579)
2024	(\$51,488,756)
2025	(\$63,207,736)
2026	(\$63,283,437)

**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. Juveniles under the age of 13 would not be under the juvenile justice system purview. The provisions of the bill changing the age of criminal responsibility would take effect on September 1, 2021 and apply to offenses committed on or after the effective date of the Act.

## Methodology

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

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, would 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, would 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 of these individuals, would 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 18 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 under the supervision of juvenile probation departments. 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 the 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. Additional savings 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) and are based on the projections of the reduction in population for juveniles under age 13. 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 facilities (\$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. Based on current length of stay patterns, the bill 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 2022 would be approximately \$32,689,929. The cost estimate for fiscal year 2023 would be approximately \$44,115,579, the cost estimate for fiscal year 2024 would be approximately \$51,488,756, the cost estimate for fiscal year 2025 would be approximately \$63,207,736, and the cost estimate for fiscal year 2026 would be approximately \$63,283,437. 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 Office of Court Administration indicates costs of implementing the bill to the state court system can be absorbed in existing resources.

### **Local Government Impact**

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.

**Source Agencies:** 212 Office of Court Admin, 644 Juvenile Justice Department, 696 Department of Criminal Justice

**LBB Staff:** JMc, DKN, LM, MP