

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

March 13, 2023

TO: Honorable Senfronia Thompson, Chair, House Committee on Youth Health & Safety, Select

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB828 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 HB828, As Introduced : an impact of \$0 through the biennium ending August 31, 2025.

This analysis does not incorporate potentially significant costs associated with an increased demand for juvenile correctional resources, including infrastructure and staffing needs, specialized probation services such as mental health and substance abuse treatment, and placements in residential post-adjudication facilities.

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>	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2024	\$0
2025	\$0
2026	(\$28,940,991)
2027	(\$50,510,098)
2028	(\$32,595,940)

All Funds, Five-Year Impact:

<i>Fiscal Year</i>	Probable (Cost) from General Revenue Fund 1
2024	\$0
2025	\$0
2026	(\$28,940,991)
2027	(\$50,510,098)
2028	(\$32,595,940)

Fiscal Analysis

The bill would amend statutory provisions related to the age of criminal responsibility and to certain substantive and procedural matters related to that age. The bill would raise the minimum age at which a person who commits an offense may be prosecuted or convicted, with certain exceptions, from 17 to 18. The bill would establish that individuals who were 17 at the time of an 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, 2025 and apply to offenses committed on or after the effective date.

Methodology

Population trends based on the February 2023 Adult and Juvenile Correctional Population Projections report 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 under the provisions of the bill.

In fiscal year 2022, there were 3,159 individuals in the adult criminal justice system who would have likely been eligible for disposition in the juvenile justice system under the provisions of the bill. This includes 596 individuals who would likely be eligible for supervisory caution, 2,426 individuals who would likely be eligible for deferred prosecution or adjudicated probation supervision, 100 individuals who would likely be eligible for commitment to the Texas Department of Juvenile Justice (TJJD), and 37 individuals who would likely be eligible for certification to be tried as an adult. Based on trends in fiscal year 2022, an additional 1,198 individuals would likely be eligible for conditional predisposition supervision, and an additional 89 individuals would likely be eligible for TJJD parole supervision.

Savings and costs are based on the February 2023 Criminal and Juvenile Justice Uniform Cost Report. Savings are estimated based on the state uniform costs per day for adults in Texas Department of Criminal Justice (TDCJ) systemwide institutions (\$77.49), state jails (\$73.39), Substance Abuse Felony Punishment Facilities (\$89.98), misdemeanor community supervision (\$0.70), and felony community supervision (\$2.24). Adult parole supervision savings would not be realized within the first five years following passage. Costs are estimated based on the state uniform costs per day for juveniles in TJJD state residential facilities (709.66), on juvenile parole supervision (\$71.30), and on basic juvenile probation supervision (\$4.87). Based on trends observed in fiscal year 2022, it is assumed that there will be a lag between offense, referral into the juvenile justice system, and disposition as the first individuals enter the juvenile justice system under the provisions of the bill. Because the provisions of the bill changing the age of criminal responsibility would take effect on September 1, 2025, and apply to offenses on or after the effective date, the cost estimate for fiscal years 2024 and 2025 is \$0. Based on current trends, it is also assumed that not all of those entering the juvenile justice system would complete their length of stay or supervision within the first year the bill is effective; therefore, the estimated cost in fiscal year 2026 is \$28,940,991. The estimated cost in fiscal year 2027 is \$50,510,098, and the estimated cost in fiscal year 2028 is \$32,595,940.

Local Government Impact

While the fiscal impact to units of local government cannot be determined, the additional demands upon local correctional resources due to a possible increase in the number of individuals placed under supervision in the community or sentenced to a term of confinement will likely be significant.

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

LBB Staff: JMc, NPe, LBO, ESch