

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 4889-01  
Bill No.: SB 685  
Subject: Children and Minors; Corrections Department; Courts; Crimes and Punishment;  
 Criminal Procedure; Law Enforcement Officers and Agencies; Prisons and Jails;  
 Social Services Department  
Type: Original  
Date: April 18, 2016

Bill Summary: This proposal requires children under the age of 18 to be prosecuted for most criminal offenses in juvenile courts unless the child is certified as an adult.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>				
FUND AFFECTED	FY 2017	FY 2018	FY 2019	Fully Implemented (FY 2023)
General Revenue	(\$12,797,837)	(\$15,715,899)	(\$15,764,083)	(\$13,235,432)
<b>Total Estimated Net Effect on General Revenue</b>	<b>(\$12,797,837)</b>	<b>(\$15,715,899)</b>	<b>(\$15,764,083)</b>	<b>(\$13,235,432)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>				
FUND AFFECTED	FY 2017	FY 2018	FY 2019	Fully Implemented (FY 2023)
Other State Funds	\$0	(\$70,891)	(\$356,313)	(\$333,831)
Capital Improvement	(\$8,185,512)	\$0	\$0	\$0
State Facilities Main	\$0	\$0	(\$63,181)	(\$443,931)
Criminal Records	(\$75,000)	\$0	\$0	\$0
<b>Total Estimated Net Effect on Other State Funds</b>	<b>(\$8,260,512)</b>	<b>(\$70,891)</b>	<b>(\$419,494)</b>	<b>(\$777,762)</b>

Numbers within parentheses: ( ) indicate costs or losses. This fiscal note contains 20 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>				
FUND AFFECTED	FY 2017	FY 2018	FY 2019	Fully Implemented (FY 2023)
Federal*	\$0	\$0	\$0	\$0
<b>Total Estimated Net Effect on All Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

\*Distribution increases (decreases) net to zero.

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>				
FUND AFFECTED	FY 2017	FY 2018	FY 2019	Fully Implemented (FY 2023)
General Revenue	126 FTE	186.8 FTE	180.8 FTE	180.8 FTE
Other State Funds	0 FTE	.9 FTE	3.2 FTE	3.2 FTE
Federal Funds	0 FTE	.3 FTE	12 FTE	12 FTE
State Facilities Main	0 FTE	0 FTE	1 FTE	4 FTE
<b>Total Estimated Net Effect on FTE</b>	<b>126 FTE</b>	<b>188 FTE</b>	<b>197 FTE</b>	<b>200 FTE</b>

Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>				
FUND AFFECTED	FY 2017	FY 2018	FY 2019	Fully Implemented (FY 2023)
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## FISCAL ANALYSIS

### ASSUMPTION

Officials at the **Office of Administration's Facilities Management, Design and Construction (FMDC)** assume this legislation will affect the FMDC's Capital Improvement and Operating Budget. To accommodate Social Services, Youth Services' projection of additional youths to their program this will require OA-FMDC to construction new space at various sites statewide for residential type facilities. In additional FMDC will require day-to-day maintenance staff and operating cost to include fuel & utilities.

New Construction will include (3-yr time frame - completion FY2020)

- " 24 bed Moderate facility - St. Louis - with cafeteria/gymnasium \$4,289,512
- " 12 bed Moderate facility - Kansas City - with cafeteria/gymnasium \$2,900,000

Renovation will include (2-yr time frame - completion FY2019)

- " Expand Northwest Regional Center - with a new 27 beds dorm and new classroom over a three-year period - \$1,000,000

Total Construction cost for new youth center and renovation to existing sites. Actual needs to be determined examples include: administrative offices, dormitory, day room, kitchen, cafeteria/gym, laundry, bathrooms, and classrooms. Also, construct a maintenance building, storage and vocational technology building. Cost to include: buildings, property purchase and parking lot. This legislation will require a New Decision Item in the Capital Improvement Budget in FY2017.

TOTAL CONSTRUCTION COST = \$8,185,512

Day-to-Day Maintenance and Operating cost for Fiscal Year 2019 occupancy of new expansion at Northwest Regional Youth Campus:

Maintenance Worker II = 1 FTE - \$29,883  
Fringe Benefits = \$18,256  
Day-to-Day E&E/F&U = \$15,042  
TOTAL Day-to-Day cost 2018 = \$63,181 for HB13

Day-to-Day Maintenance and Operating cost include for FY2020 occupancy of new construction sites within St. Louis & Kansas City area:

Maintenance Worker II = 2 FTE - \$59,766  
Physical Plant Supv II = 2 FTE - \$80,216  
Fringe Benefits = \$78,611  
One-Time Startup Maintenance Equipment = \$209,194  
One-Time Ofc Computer/Monitor/chairs, etc. = \$13,672  
Day-to-Day E&E/F&U = \$203,098

ASSUMPTION (continued)

TOTAL Day-to-Day cost for 2019 = \$644,557 for HB13.

Officials at the **Department of Social Services (DSS)** assume Senate Bill 685 raises the age of adult criminal responsibility from 17 to 18 years of age within Chapter 211 RSMo and subject to enactment August 28, 2016. This change effectively will create new status offense referrals to be processed by the juvenile court as well as shift criminal cases from the court of general jurisdiction to the juvenile and family court system. Further this bill enacted will lead to an increase in the number of juveniles certified to stand trial as an adult. An increase in youth involved in juvenile court and those certified as adults will lead to an increase in traditional Division of Youth Service's (DYS) commitments and the dual jurisdiction population served by the division.

The Division of Youth Services assumes that raising the age of criminal majority to eighteen will likely result in 350 new traditionally committed youth as well as 11 new dual jurisdiction youth committed to DYS per year. The division anticipates a fiscal impact in FY 17 of \$99,385, FY 18 of \$4,732,368 and will be fully implemented in FY19 for a total cost of \$7,860,679 (including one-time costs). DSS assumes full year staffing starting in FY19 for purposes of the fiscal note estimate. Note that this could be delayed depending on when the facilities are ready and other factors.

RESIDENTIAL TREATMENT

Traditional Commitments

DYS anticipates no fewer than 350 new traditionally committed youth per year from the juvenile court system as a result of this legislation. This assumption is based on SFY 2015 data of 16 year old youth committed as well as data received from the Department of Corrections. This data is thought to be representative of a new baseline in juvenile justice as varying initiatives and diversion programs have worked to reduce the number of youth penetrating the deep-end of the juvenile justice system. The division would require an additional 98 beds to serve this new population. The projected additional beds were arrived at through the following methodology:

DATA

- o 2,412 average youth served/FY (FY 15)
- o 1,418 average youth served in the DYS at a given point in time (FY 15) or 58.79% of 2,412
- o 645 average youth in DYS residential care at a given point in time (FY 15) or 45.49% of 1,418

PROJECTION

- o  $2,412 + 350 \text{ new youth} = 2,762 \text{ youth projected to be served per year}$
- o  $2,762 \times 58.79\% = 1,623 \text{ youth to be served at a given point in time}$

ASSUMPTION (continued)

- o  $1,623 \times 45.49\% = 738$  youth in residential care at a given point in time

738 youth projected in residential care - 640 existing bed spaces for traditionally committed youth = 98 additional beds for the new traditionally committed youth.

Dual Jurisdiction Commitments

Information received from the Department of Corrections indicates that anywhere from 116 to 249 youth (predominantly 17 year olds) would be certified resulting in those youth either entering services of the Department of Corrections or being sentenced to Dual Jurisdiction. The three year average of certifications in Missouri is 63 annually. Using the lower end of the range, if DYS continues to accept youth into dual jurisdiction at its current pace, this would result in a total of 29 referrals for dual jurisdiction assessment and a total of 19 dual jurisdiction commitments per year with average lengths of stay anticipated to be three years. This represents 11 new dual jurisdiction youth committed each year with three year lengths of stay.

DATA

- o 63 youth certified - average number of youth certified (CY 12, 13, 14)
- o 12 dual jurisdictions assessments ordered SFY 15 or 19.05% of certified youth
- o 8 youth from SFY 15 ordered assessments accepted and committed to dual jurisdiction or 66.67%

PROJECTION

- o  $150 =$  projected number of youth certified (87 more than the 3 year average 63)
- o  $150 \times 19.05\% = 29$  dual jurisdiction assessments ordered
- o  $29 \times 66.67\% = 19$  youth accepted and committed to dual jurisdiction
- o  $19 - 8$  that would have come to the division in the existing structure = 11 additional dual jurisdiction youth committed to DYS/year

The division has forty beds designated for service to dual jurisdiction youth. Twenty of those beds are occupied by dual jurisdiction youth committed under the existing law with average lengths of stay at four years. Under this proposal it is anticipated that the average age of a dual jurisdiction commitment will increase causing the average length of stay of the new population to decrease to 3 years. The additional 11 youth per year with a 3 year average length of stay would lead to a need for a total of 62 dual jurisdiction secure beds at the peak of the cycle in SFY 19. In SFY 20 the final 5 dual jurisdiction youth with a 4 year average length of stay will exit. 57 dual jurisdiction secure beds will be necessary thereafter. DYS will place the need at 60 total beds to adequately serve this population under this proposal.

ASSUMPTION (continued)

Residential Care Needs

The division can absorb 64 of the 98 beds needed for traditionally committed youth with existing resources by increasing the number of youth per group to 11. An additional 34 beds for traditionally committed youth will be required. The division would need a total of 60 beds to serve dual jurisdiction youth. The division has capacity currently to serve 40. 20 are filled with existing dual jurisdiction youth. 20 can be served with the existing capacity. 20 new dual jurisdiction beds are needed.

34 new beds for traditional commitments  
+ 20 new beds for dual jurisdiction commitments  
54 total beds required

The division currently has space available at Hillsboro Treatment Center, a secure care center, to add an additional group. The remaining groups would have to be added through a combination of renovation/expansion of existing facilities and construction of new facilities. The following is a list of facilities and location:

- Hillsboro Treatment Center (secure care) reopen cottage - 1 group
- Northwest Regional Youth Center (secure care) renovation/expansion - 1 group
- New moderate care facility in the Florissant/Hazelwood area - 2 groups
- New moderate care facility in the Kansas City area - 1 group

The Office of Administration, Facilities Management Design and Construction, estimates the renovation/expansions and new facilities to be completed no sooner than three fiscal years. The division anticipates the first year of commitments to be around 50% to 60% of total estimated new commitments; therefore, the residential costs would be absorbed in FY17. The additional group in Hillsboro would result in a need of additional PS (1 group leader, 11 youth specialists, and 1 teacher) and EE in FY 18. The division would need additional contractual care dollars in the amount of \$3,660,220 (46 youth x \$218 average cost per day x 365 days) in FY 18 during the renovation/expansion and new construction phase. In FY 19 and beyond the contractual care cost would reduce to \$2,969,096.

The division would need additional dollars in FY 19 for personal service costs associated with staffing while new and renovated facilities as well as additional equipment and expense for start-up and ongoing costs.

### ASSUMPTION (continued)

The following is a breakdown associated with each facility and group:

Hillsboro Treatment Center: 13 FTE; (existing space reopened with modified Startup Costs)

Northwest Regional Youth Center: 13 FTE; Startup Costs; Ongoing EE

Moderate Care Florissant/Hazelwood area: 28 FTE; Startup Costs; Ongoing EE

Moderate Care Kansas City area: 15 FTE; Startup Costs; Ongoing EE

Total FTE: 69

### CASE MANAGEMENT

It is assumed that enactment of SB 685 will result in an additional 350 traditionally committed youth and an additional 11 youth committed under the dual jurisdiction statute equaling 361 new entrants over the course of a year. The present caseload standard set by the division is 18. Our data suggests that the additional 360 youth added to the division over the course of a year will result in 210 youth being served at a given point in time. The average caseload of a division service coordinator at this time is 14.6. These 210 youth could be absorbed with existing case management resources.

### DAY TREATMENT

The DYS's data and projections indicate that the addition of '350'- 17 year old youth to the division would result in the need for day treatment service to 8 additional youth at a given time. Our existing day treatment sites can serve an additional 8 youth with existing resources.

### ASSOCIATED YOUTH SERVICE COSTS

Upon commitment to the division, youth are placed in juvenile detention facilities by the committing court to await placement. Based on the current average cost per day and yearly usage, the division estimates a need of an additional \$31,250 per year for costs related to detention stays.

### DLS and DYS

The proposed legislation will have a fiscal impact on the Division of Legal Services (DLS). The Division of Legal Services provides legal advice and representation to both the Division of Youth Services (DYS) and the Children's Division (CD). As noted below, the impact on the Children's Division should be minimal and should not require any increase of the Children's Division's need for legal representation over what it currently requires. However, the Division of Legal Services can anticipate an increase in the number of case referrals from the Division of Youth Services relating to motions to extend jurisdiction for youth when they reach the age of

ASSUMPTION (continued)

eighteen and relating to motions for dual jurisdiction youth.

Because extending the age of jurisdiction over status offenders and delinquent youth to the age of eighteen may result in an increased number of youth committed to the custody of the Division of Youth Services, there will be increased need for legal advice and assistance from the Division of Legal Services. Past projections by DYS indicate that it could receive approximately 350 new seventeen-year old youth needing DYS services on a yearly basis. A certain percentage of these youth will require residential placement. Although some of these 350 seventeen-year old youth will be able to complete their services prior to their eighteenth birthday, a substantial number will require continued services beyond their eighteenth birthday. If between 70 - 75 % of these youth require services beyond their eighteenth birthday, this will result in approximately 250 referrals to the Division of Legal Services for motions to extend jurisdiction beyond the youth's eighteenth birthday. Assuming a need for court appearances on each of these cases, each referral would require about ten hours of attorney time or approximately 2500 hours of attorney time on a yearly basis.

In addition, this legislation may result in an increase in the number of dual jurisdiction cases. If the number of dual jurisdiction cases doubles for this age group, then the Division of Legal Services may anticipate an increase of approximately twenty-five new referrals for dual jurisdiction youth. Because dual jurisdiction cases are more complex, it may be anticipated that each new case may take up to twenty hours of attorney time or approximately 500 hours of attorney time on a yearly basis.

The total hours necessary to handle the extensions of jurisdiction and the dual jurisdiction cases would therefore result in the need for approximately 3000 hours of attorney time. Based upon 2040 work hours per attorney on a yearly basis, this will result in a need for approximately 2 new FTE's for the Division of Legal Services.

DLS and CD

Section 210.110 RSMo already defines "child" as a person under eighteen years of age for the purposes of laws addressing abused and neglected children. Section 211.031.1(1) RSMo provides that the juvenile or family court jurisdiction shall extend to any child or person seventeen years of age who is found in the state and alleged to be in need of care and treatment, whether due to abuse, neglect, being homeless, being in need of mental health services that the parent or guardian cannot afford or access on behalf of the child, being repeatedly absent from school or home without cause or justification, or who has violated state laws or committed a status offense. This means that the juvenile court is already authorized to extend jurisdiction over a youth who is seventeen years of age. By changing the definition of "child" in Chapter 211 to include persons who are seventeen years of age, this will harmonize provisions within Chapter 210. It would not significantly impact the Children's Division (CD) or the representation of staff or litigation conducted by DLS. The rest of CD's programs and services, including those for



ASSUMPTION (continued)

abused or neglected children, family preservation, adoption, child care, or requests made under the Interstate Compact for the Placement of Children are already provided to youths up until the time they turn eighteen, or if currently-existing provisions of law apply, may be extended up to the time the youth turns twenty-one years of age. The proposed bill will not have a substantial fiscal impact on the Children's Division and will not require the Division of Legal Services to provide increased representation to CD.

CD

In section 211.021, this bill modifies the definition of adult and child for the purposes of chapter 211.

The definition of adult is modified from age 17 years of age or older or 17 years old as defined in the definition of child, to "a person 18 years of age or older". The definition of child is modified from a person under 17 years of age or a person between 17 and 18 of a child alleged to have committed a status offense to "a person under 18 years of age".

This bill also removes the definition of "status offense".

In section 211.031, current law refers to "child or person 17 years of age", which is essentially "a person under 18 years of age" which is the same as the modified definition "child". This bill removes "or person 17 years of age".

These changes bring the definitions of "child" and "adult" used in Juvenile and Family Court Jurisdiction in line with Section 210.110 definitions, which are applied throughout Chapter 210.

The Children's Division does not anticipate a fiscal impact as a result of this bill. The division does not anticipate this change to create a fiscal impact.

Officials at the **Department of Corrections** assume the following cost avoidance for this proposal:

FY 2017 - \$1,231,475

FY 2018 - \$2,888,135

FY 2019 - \$4,354,324

FY 2023 - \$6,569,164 (Fully Implemented)

The bill increases the age when a juvenile can be prosecuted for a criminal offense in a court of general jurisdiction from 17 years to 18 years. The impact of the bill will be to reduce the number of children who are sentenced and received by the DOC for incarceration or probation. Under 211.071 RSMo. a child may be transferred to an adult court if the child has committed a felony. A court hearing is mandatory if the child has committed a serious violent or drug

ASSUMPTION (continued)

distribution felony.

In FY15 there were 546 children who were 17 at the time of the offense and sentenced to a prison, 120 day or probation. In recent years the number of seventeen years olds sentenced has been declining and this may impact the estimate in future years.

**Sentence disposition of offenders aged 17 at time of offense**

	FY13	FY14	FY15	Total	Average Percent
<b>New Sentences</b>					
Prison	129	108	108	344	17%
120 day	134	118	108	360	17%
Probation	614	499	401	1,514	73%
Total	877	652	546	2,075	100%

Many of these offenders would be under the jurisdiction of a juvenile court if the bill becomes law. An estimate of how many children would be sentenced in juvenile court can be made by comparing the number of children less than 17 who have been sentenced in adult court. Children who have been transferred to an adult court have committed more serious offenses and are much more likely to be sentenced to prison (50% compared to 17% for the seventeen year olds).

**Sentence disposition of offenders aged 13-16 at time of offense**

	FY13	FY14	FY15	Total	Average Percent
<b>New Sentences</b>					
Prison	27	29	27	82	50%
120 day	7	4	4	15	9%
Probation	33	21	27	81	49%
Total	61	48	55	164	100%

The Division of Youth Services (DYS) has provided statistics on the number of child under its custody and the rate at which children have been tried in adult court can be calculated. The percent of children who are sentenced in adult court increases with the age of the child.

For children who were 16 years old at the time of the offense, twelve percent were received by the DOC. The DOC estimates that 20% of seventeen year olds will be sentenced in adult court and received by the DOC. Because children under 17 sentenced in adult court have committed more serious offenses, the disposition of the seventeen years olds received by the DOC is expected to be similar to that of offenders under 17.

ASSUMPTION (continued)

The distribution of seventeen years olds in FY15 shows that only 10.2% of offenders were sentenced to prison for a major offense (homicide, robbery, assault, sexual assault and burglary).

**Offenses and sentence disposition of first time offenders aged 17 at time of offense**

Major Offense	Disposition	Offenders			Percent			Average Percent	Average All Offenses
		FY2013	FY2014	FY2015	FY2013	FY2014	FY2015		
Yes	Prison	64	52	55	19.6%	19.4%	25.8%	21.2%	10.2%
	120 day	15	16	8	4.6%	6.0%	3.8%	4.8%	2.3%
	Probation	248	200	150	75.8%	74.6%	70.4%	74.0%	35.5%
	Total	327	268	213	100.0%	100.0%	100.0%	100.0%	
No	Prison	18	12	13	5.1%	4.3%	5.4%	4.9%	2.6%
	120 day	9	5	1	2.5%	1.8%	0.4%	1.7%	0.9%
	Probation	329	263	226	92.4%	93.9%	94.2%	93.4%	48.6%
	Total	356	280	240	100.0%	100.0%	100.0%	100.0%	
<b>Total First Time</b>		<b>683</b>	<b>548</b>	<b>453</b>	<b>85.8%</b>	<b>84.0%</b>	<b>83.0%</b>		<b>100.0%</b>

For children under 17, 38.2% were sentenced to prison for a major offense.

**Offenses and sentence disposition of first time offenders aged 13 to 16 at time of offense**

Major Offense	Disposition	Offenders			Percent			Average Percent	Average All Offenses
		FY2013	FY2014	FY2015	FY2013	FY2014	FY2015		
Yes	Prison	18	21	21	48.6%	63.6%	50.0%	53.6%	38.2%
	120 day	2	2	3	5.4%	6.1%	7.1%	6.3%	4.5%
	Probation	17	10	18	45.9%	30.3%	42.9%	40.2%	28.7%
	Total	37	33	42	100.0%	100.0%	100.0%	100.0%	
No	Prison	5	2	1	22.7%	16.7%	9.1%	17.8%	5.1%
	120 day	1	-	1	4.5%	0.0%	9.1%	4.4%	1.3%
	Probation	16	10	9	72.7%	83.3%	81.8%	77.8%	22.3%
	Total	22	12	11	100.0%	100.0%	100.0%	100.0%	
<b>Total First Time</b>		<b>59</b>	<b>45</b>	<b>53</b>	<b>7.4%</b>	<b>6.9%</b>	<b>9.7%</b>		<b>100.0%</b>

The distribution of the 13-16 years old is used to apportion the 20% of seventeen year olds who are estimated to be sentenced in adult court.

**Apportionment of 17 year olds sentenced in adult court**

		FY2013	FY2014	FY2015	Percent
	New Sentences	796	652	546	20%
	After 18 year old	159	130	109	
Major offense	Prison	61	50	42	38.2%
	120 day	7	6	5	4.5%
	Probation	46	37	31	28.7%
Minor Offense	Prison	8	7	6	5.1%
	120 day	2	2	1	1.3%
Total	Probation	35	29	24	22.3%
Total		159	130	109	100.0%

The apportionment results in 47 of the estimated 109 seventeen year olds who will be received by the DOC will serve a prison sentence.

**Estimated disposition after age change from 17 to 18  
 (Major offenses + minor offenses)**

DOC	FY 2013	FY2014	FY2015
Prison	69	56	47
120 day	9	7	6
Probation	81	66	56
Total	159	130	109
<b>Juvenile Court/ DYS</b>			
Prison	60	52	60
120 day	125	111	102
Probation	533	433	345
Total	717	522	437
Total 17 year olds	877	652	546

The fiscal impact is based on the children who are expected to be under the jurisdiction of the juvenile court and under the custody of the DYS.

**Fiscal Impact - Calculation of reduction in offender intake- Total**

Disposition	Sentence Years	Probation Years	Time		Institution	Supervision
			Served Years	Parole Years		
Prison	60	6.4	3.2	3.2	193	193
120 day	102	4.1	0.3		31	417
Probation	345	4.1				1,415
Total	437				223	2,025

The impact calculation is the number of offenders who will be transferred multiplied by the

**ASSUMPTION** (continued)

average time served in prison, parole and probation. The total estimate is a reduction of 223 offenders in prison and 2,025 offenders on supervision. The reduction will begin in the first year following enactment of the bill except that the parole reduction will not occur until the offenders serving prison sentences are released to parole.

**Reduction in offender intake by year  
 Institution**

	FY17	FY18	FY19	FY20	FY21	FY22	FY23	FY24	FY25	FY26
FY17	91	60	60	12						
FY18		91	60	60	12					
FY19			91	60	60	12				
FY20				91	60	60	12			
FY21					91	60	60	12		
FY22						91	60	60	12	
FY23							91	60	60	12
FY24								91	60	60
FY25									91	60
FY26										91
<b>Total</b>	<b>91</b>	<b>151</b>	<b>211</b>	<b>223</b>	<b>223</b>	<b>223</b>	<b>223</b>	<b>223</b>	<b>223</b>	<b>223</b>

The impact calculation is based upon an assumption that a reduction in young offenders will occur because many of the offenders will be supervised by the juvenile court. While this is a reasonable expectation, it is also an unfortunate fact that young offenders with criminal convictions have very high recidivism rates. Within five years of the start of probation 59% of seventeen year old have been incarcerated and 42% have been convicted of a new offense. There will be a reduction of technical revocations because fewer seventeen year olds will be on probation but many young offenders could well be received by the DOC before they reach 21 years old for new offenses.

**Recidivism of young offenders  
 Probation openings FY2005-FY2015  
 Age at start of supervision**

Age	Incarceration					New Offense		
	6 Mths	12 mths	2 yrs	3 yrs	5 yrs	2 yrs	3 yrs	5 yrs
17	7%	20%	40%	50%	59%	23%	32%	42%
18	7%	17%	34%	43%	51%	18%	25%	34%

ASSUMPTION (continued)

Officials at the **Office of the State Courts Administrator** assume the proposed legislation requires children under the age of 18 to be prosecuted for most criminal offenses in juvenile courts unless the child is certified as an adult.

While it is not possible to quantify the impact of this change exactly, it would be significant. It would cause a significant workload and fiscal impact on the courts. It is anticipated there would be approximately 1,546 additional juvenile law violations annually and 2,273 status violations in the 35 multi-county circuits.

Based upon projected additional violations in the 35 multi-county circuits in Missouri, the FY17 estimated juvenile personnel cost in these circuits would be \$3,301,655 (37 juvenile officer FTE and 16.5 FTE detention aids). In addition, the single county circuit juvenile referrals on average are 47% higher than the multi-county circuits resulting in a total cost of \$7,223,505. In addition, there would be added training cost for all new juvenile officer staff of \$192,184, program cost for multi county circuits of \$1,307,600 and program cost for single county circuits of \$1,921,150. The total cost would be \$13,946,094.

Below is a breakdown of the costs:

**Multi Circuits\***

	FTE	Salary	Total	Fringes	Total
Juvenile Officer (Law Violation)	17	\$43,488	\$739,296	\$397,372	\$ 1,136,668
Juvenile Officer (Status Offender)	20	\$43,488	\$869,760	\$467,496	\$ 1,337,256
Detention Aid	16.5	\$32,628	\$538,362	\$289,370	\$ 827,732
				Total	\$ 3,301,655

**Single Circuits\***

Juvenile Officer (47% greater number of referrals than multi-county circuits)					\$ 1,670,901
Status Offender (47% greater number of referrals than multi-county circuits)					\$ 1,965,766
Detention Aid	71.5	\$32,628	\$2,332,902	\$1,253,935	\$ 3,586,837
				Total	\$ 7,223,505
Training for all new juvenile officer staff					\$ 192,184
Program Cost for multi county circuit (((\$350 per juvenile (1,546 + 2,190)*\$350))					\$ 1,307,600
Program Cost for single county circuit (((\$350 per juvenile (2,273 + 3,219)*\$350))					\$ 1,921,150
<b>Total Cost</b>					<b>\$13,946,094</b>

\* Note: The 35 multi-county circuits are state paid, the single county circuits are reimbursed by

ASSUMPTION (continued)

the state.

Officials at the **Department of Public Safety's Missouri Highway Patrol (DPS/MHP)** assume the Criminal Justice Information Services (CJIS) Division based this estimation on incurred vendor costs for similar programming changes. Currently, the vendor for the Missouri Criminal History System is the Computer Projects of Illinois (CPI). This vendor is under state contract and all work is done at a rate of \$100 per hour. Due to the changes that will be required not only within the Criminal History System, but also within the interface between the Criminal History System and the Automated Fingerprint Identification System (AFIS), CJIS estimates that it will take approximately 200 hours to complete this change. This includes design, development, and testing of the new logic within the Criminal History System and AFIS Interface.

Programming changes will also be required by the Missouri Live Scan vendor, MorphoTrak Inc. There are currently over 300 live scans located within sheriff's offices and police departments throughout the state of Missouri. MorphoTrak will need to update the software on each of these live scan devices to ensure that arrests of individuals that are aged 17 years old will be submitted as juvenile, rather than criminal arrests. Due to the nature of the live scan devices, this effort is estimated to take 550 work hours, for design, development, and deployment of the new software to all live scans.

CPI	
200 hours x \$100 per hour	\$20,000
MorphoTrak Inc.	
550 hours x \$100 per hour	\$55,000
Total	\$75,000

Officials at the **Office of the State Public Defender**, the **Department of Mental Health** and the **Office of Prosecution Services** each assume no fiscal impact to their respective agencies from this proposal.

<u>FISCAL IMPACT -</u> <u>State Government</u>	FY 2017 (10 Mo.)	FY 2018	FY 2019	Fully Implemented (FY 2023)
<b>GENERAL REVENUE</b>				
<u>Savings - DOC - cost avoidance/reduction in prison population requiring supervision</u>				
	\$1,231,475	\$2,888,135	\$4,354,324	\$6,569,164
<u>Cost - DSS</u>				
Personal Service	(\$33,320)	(\$450,084)	(\$1,819,281)	(\$1,893,151)
Fringe Benefits	(\$25,923)	(\$390,477)	(\$1,060,363)	(\$1,103,418)
Equipment/Expense	(\$23,975)	(\$226,630)	(\$1,120,464)	(\$464,225)
Contractual Care	\$0	(\$3,590,749)	(\$2,172,205)	(\$2,397,708)
<b>Total Cost - DSS</b>	<b>(\$83,218)</b>	<b>(\$4,657,940)</b>	<b>(\$6,172,313)</b>	<b>(\$5,858,502)</b>
FTE Change DSS	1 FTE	61.8 FTE	55.8 FTE	55.8 FTE
<u>Costs - OSCA</u>				
Personal Service	(\$4,480,320)	(\$4,480,320)	(\$4,480,320)	(\$4,480,320)
Fringe Benefits	(\$2,408,173)	(\$2,408,173)	(\$2,408,173)	(\$2,408,173)
Equipment/Expense	(\$7,057,601)	(\$7,057,601)	(\$7,057,601)	(\$7,057,601)
<b>Total Costs - OSCA</b>	<b>(\$13,946,094)</b>	<b>(\$13,946,094)</b>	<b>(\$13,946,094)</b>	<b>(\$13,946,094)</b>
FTE Change - OSCA	125 FTE	125 FTE	125 FTE	125 FTE
<b>ESTIMATED NET EFFECT ON GENERAL REVENUE</b>				
	<b><u>(\$12,797,837)</u></b>	<b><u>(\$15,715,899)</u></b>	<b><u>(\$15,764,083)</u></b>	<b><u>(\$13,235,432)</u></b>
Estimated Net FTE Change for General Revenue Fund				
	126 FTE	186.8 FTE	180.8 FTE	180.8 FTE



<u>FISCAL IMPACT -</u> <u>State Government</u> (continued)	FY 2017 (10 Mo.)	FY 2018	FY 2019	Fully Implemented (FY 2023)
<b>OTHER STATE FUNDS (various)</b>				
<u>Cost - DSS</u>				
Personal Service	\$0	(\$6,315)	(\$101,481)	(\$105,602)
Fringe Benefits	\$0	(\$5,693)	(\$59,443)	(\$61,857)
Equipment/Expense	\$0	(\$44,755)	(\$68,535)	(\$26,349)
Contractual Care	<u>\$0</u>	<u>(\$14,128)</u>	<u>(\$126,854)</u>	<u>(\$140,023)</u>
<u>Total Cost - DSS</u>	<u>\$0</u>	<u>(\$70,891)</u>	<u>(\$356,313)</u>	<u>(\$333,831)</u>
FTE Change DSS	0 FTE	0.9 FTE	3.2 FTE	3.2 FTE
 <b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS (various)</b>	 <b><u>\$0</u></b>	 <b><u>(\$70,891)</u></b>	 <b><u>(\$356,313)</u></b>	 <b><u>(\$333,831)</u></b>
Estimated Net FTE Change for Other State Funds (various)	0 FTE	.9 FTE	3.2 FTE	3.2 FTE
 <b>FEDERAL FUNDS</b>				
<u>Income - DSS - increase in program reimbursements</u>	\$0	\$17,784	\$1,333,054	\$1,258,289
<u>Cost - DSS</u>				
Personal Service	\$0	(\$1,616)	(\$388,699)	(\$404,482)
Fringe Benefits	\$0	(\$1,457)	(\$227,685)	(\$236,930)
Equipment/Expense	\$0	(\$583)	(\$230,780)	(\$80,545)
Contractual Care	<u>\$0</u>	<u>(\$14,128)</u>	<u>(\$485,890)</u>	<u>(\$536,332)</u>
<u>Total Cost - DSS</u>	<u>\$0</u>	<u>(\$17,784)</u>	<u>(\$1,333,054)</u>	<u>(\$1,258,289)</u>
FTE Change DSS	0 FTE	0.3 FTE	12 FTE	12 FTE
 <b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>	 <b><u>\$0</u></b>	 <b><u>\$0</u></b>	 <b><u>\$0</u></b>	 <b><u>\$0</u></b>

Estimated Net FTE Change for Federal Funds	0 FTE	.3 FTE	12 FTE	12 FTE
<u>FISCAL IMPACT -</u> <u>State Government</u> (continued)	FY 2017 (10 Mo.)	FY 2018	FY 2019	Fully Implemented (FY 2023)

**CAPITAL  
IMPROVEMENT  
FUND**

<u>Cost - for new construction/renovation to accommodate DSS/DYS</u>	<u>(\$8,185,512)</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
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**ESTIMATED NET  
EFFECT OF  
CAPITAL  
IMPROVEMENTS  
FUND**

<u>(\$8,185,512)</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
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**STATE FACILITIES  
MAINTENANCE  
OPERATIONS FUND  
(SFMOF)**

<u>Costs - FMDC</u>				
Personal Service	\$0	\$0	(\$29,883)	(\$144,224)
Fringe Benefits	\$0	\$0	(\$18,256)	(\$80,993)
Equipment/Expense	<u>\$0</u>	<u>\$0</u>	<u>(\$15,042)</u>	<u>(\$218,714)</u>
<u>Total Costs - FMDC</u>	<u>\$0</u>	<u>\$0</u>	<u>(\$63,181)</u>	<u>(\$443,931)</u>
FTE Change - FMDC	0 FTE	0 FTE	1 FTE	4 FTE

**ESTIMATED NET  
EFFECT ON SFMOF**

<u>\$0</u>	<u>\$0</u>	<u>(\$63,181)</u>	<u>(\$443,931)</u>
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Estimated Net FTE Change for SFMOF	0 FTE	0 FTE	1 FTE	4 FTE
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<u>FISCAL IMPACT -</u> <u>State Government</u> (continued)	FY 2017 (10 Mo.)	FY 2018	FY 2019	Fully Implemented (FY 2023)
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**CRIMINAL  
RECORDS FUND**

Cost - DPS/MHP - programming charges	<u>(\$75,000)</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
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<b>ESTIMATED NET EFFECT ON CRIMINAL RECORDS FUND</b>	<b><u>(\$75,000)</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>
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<u>FISCAL IMPACT -</u> <u>Local Government</u>	FY 2017 (10 Mo.)	FY 2018	FY 2019	Fully Implemented (FY 2023)
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

Under current law, children who are 17 years of age are prosecuted for criminal offenses in courts of general jurisdiction. This act provides that, unless the child is certified as an adult or is being prosecuted for a traffic or curfew violation, children who are 17 years of age must be prosecuted in the juvenile court system. In addition, this act provides that no person under the age of 18 may be detained in an adult jail unless the person has been certified as an adult.

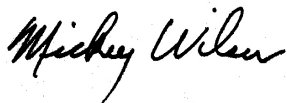
Current law allows offenders who are under 17 and a half years of age and have been certified as adults to be eligible for dual jurisdiction of both the juvenile and adult criminal codes. Dual jurisdiction allows an offender who has been found guilty in an adult court to complete a juvenile sentence in a Division of Youth Services facility. This act provides that offenders under the age of 18 are eligible for the program.

FISCAL DESCRIPTION (continued)

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of the State Courts Administrator  
Department of Social Services  
Department of Corrections  
Department of Public Safety  
Office of Prosecution Services  
Office of the State Public Defender  
Department of Mental Health  
Office of Administration  
Facilities Management, Design and Construction



Mickey Wilson, CPA  
Director  
April 18, 2016

Ross Strobe  
Assistant Director  
April 18, 2016