

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

March 29, 2017

TO: Honorable Harold V. Dutton, Jr., Chair, House Committee on Juvenile Justice & Family Issues

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB122 by Dutton (Relating to the age of criminal responsibility and to certain substantive and procedural matters related to that age.), **Committee Report 1st House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for HB122, Committee Report 1st House, Substituted: an impact of \$0 through the biennium ending August 31, 2019.

Estimated Two-year Net Impact to General Revenue Related Funds for HB122, Committee Report 1st House, Substituted: a negative impact of (\$45,637,265) beginning in the 2020-2021 biennium. 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:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2018	\$0
2019	\$0
2020	(\$10,189,296)
2021	(\$35,447,969)
2022	(\$35,130,458)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund 1
2018	\$0
2019	\$0
2020	(\$10,189,296)
2021	(\$35,447,969)
2022	(\$35,130,458)

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, 2019 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 2016, there were 381 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 227 of these individuals will receive services in juvenile state residential facilities, 82 individuals would be certified as an adult, and 72 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 2016, 6,347 individuals placed on adult 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 2017 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 (\$61.63) and under adult community supervision (\$1.78). 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 (\$441.92), on juvenile parole supervision (\$39.12), on juvenile probation supervision (\$5.93), and in juvenile detention (\$11.30). Savings and costs are based on cost per day figures as reported in the *January 2017 Criminal and Juvenile Justice Uniform Cost* report. Since the bill becomes effective September 1, 2019, there is no fiscal impact during fiscal years 2018 or 2019. 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, 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 2020 would be approximately \$10,189,296. The cost estimate for fiscal year 2021 would be \$35,447,969 and the cost estimate for fiscal year 2022 would be \$35,130,458.

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 Texas Commission on Jail Standards, the Department of Public Safety, the Office of Court Administration, and the Texas Education Agency indicate they do not anticipate a significant fiscal impact.

Local Government Impact

This bill would have a significant fiscal impact on local jurisdictions beginning in fiscal year 2020. None of the counties responding indicated they expected to see significant Prison Rape Elimination Act related compliance savings as a result of implementing the provisions of the bill.

Tom Green County estimates an expansion of detention facilities by seven beds and a five-year impact of \$1,035,000 included a capital outlay of \$400,000 to add seven beds to an existing facility. No estimated costs in this total are included for the 2018-19 biennium. The county also indicates that they may no longer be able to provide detention services for 13 additional counties that in turn would then no longer have a location to detain juveniles.

Lubbock County estimates an overall increase in referrals of 24 percent and an increase in felony referrals of 34 percent. These estimates do not include increases in referrals from 28 surrounding counties who use Lubbock County's facilities for pre-adjudication services. The county is also concerned that an individual over 18 years of age detained in a juvenile facility for a violation of juvenile probation could lead to a violation of the federal Prison Rape Elimination Act, which requires individuals over 18 to be housed separately from those under 18.

El Paso County estimates a \$15,441,715 expense in the 2020-21 biennium. This estimate includes the construction of a 40 bed detention/challenge facility.

Galveston County estimates a five-year impact of \$10,565,474, including \$8,211,200 in facility expansion costs. No estimated costs in this total are included for the 2018-19 biennium.

Travis County estimates a five-year impact of \$13,449,282. No estimated costs in this total are included for the 2018-19 biennium.

Tarrant County estimates an ongoing yearly impact of 1,081 additional juveniles generating an additional cost of \$9,832,776.

Dallas County estimates an ongoing yearly impact of \$20 million.

Jefferson County estimates an ongoing biennial impact of \$452,852.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts, 405 Department of Public Safety, 409 Commission on Jail Standards, 644 Juvenile Justice Department, 696 Department of Criminal Justice, 701 Texas Education Agency

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