



LEGISLATIVE FISCAL OFFICE
Fiscal Note

Fiscal Note On: **SB 4** SLS 242ES 11
 Bill Text Version: **ENGROSSED**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.:

| | |
|---|---------------------------------|
| Date: February 20, 2024 8:38 PM | Author: CLOUD |
| Dept./Agy.: Youth Services and Corrections | |
| Subject: Disposition of Juveniles after Adjudication | Analyst: Daniel Druilhet |

JUVENILE JUSTICE EG INCREASE GF EX See Note Page 1 of 1
 Provides relative to disposition of a juvenile after adjudication of certain felony-grade delinquent acts. (3/1/24) (Item #11)

Current law mandates that a juvenile, 14 years of age or older at the time of the offense, adjudicated delinquent of felony-grade (FG) first degree rape or kidnapping, be placed in secure placement (SP) with the Department of Public Safety & Corrections (DPS&C) without the benefit of probation, suspension, imposition, or execution of sentence (PSIES) until the juvenile turns 21 years of age; mandates that a juvenile, 14 years of age or older at the time of the offense, adjudicated of FG armed robbery or carjacking, be committed to the custody of the DPS&C in SP without the benefit of PSIES; provides first degree rape and kidnapping as the offenses for which a juvenile adjudicated delinquent (and in secure care with the Office of Juvenile Justice (OJJ)) is eligible for disposition modification after serving 36 months of a disposition, or 2/3 of the disposition, if less than 36 months. Proposed law amends current law to disallow modification of disposition under Children’s Code Art. 897.1(B); adds all 60 crimes of violence in La. R.S. 14:2(B) as a felony-grade offenses for which juveniles 14 years of age or older adjudicated delinquent are assessed a penalty of confinement in SP without the benefit of PSIES; adds all 60 crimes of violence in La. R.S. 14:2(B) as offenses for which juveniles adjudicated delinquent (and in secure placement) shall be eligible for disposition modification after serving 36 months of a disposition, or 2/3 of the disposition, if less than 36 months.

| EXPENDITURES | 2024-25 | 2025-26 | 2026-27 | 2027-28 | 2028-29 | 5 -YEAR TOTAL |
|---------------------|-----------------|-----------------|-----------------|-----------------|-----------------|---------------|
| State Gen. Fd. | INCREASE | INCREASE | INCREASE | INCREASE | INCREASE | |
| Agy. Self-Gen. | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Ded./Other | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Federal Funds | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Local Funds | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Annual Total | | | | | | |
| REVENUES | 2024-25 | 2025-26 | 2026-27 | 2027-28 | 2028-29 | 5 -YEAR TOTAL |
| State Gen. Fd. | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Agy. Self-Gen. | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Ded./Other | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Federal Funds | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Local Funds | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Annual Total | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |

EXPENDITURE EXPLANATION

Proposed law will likely result in an indeterminable increase in SGF expenditures in the Office of Juvenile Justice, due to a longer mandatory secure confinement and an increase in the number of youth required to be housed in secure facilities.

Proposed law disallows modification of dispositions for juveniles 14 years of age or older who are also adjudicated delinquent of a felony-grade first degree rape or aggravated kidnapping. Current law allows the Office of Juvenile Justice to retain the authority to place youth at an appropriate facility, some of which are not secure care facilities. Proposed law would mandate that all new dispositions for crimes of violence result in mandatory confinement at OJJ secure placement facilities without the benefit of probation, suspension, execution, or imposition of sentence. The increase in SGF expenditures is indeterminable because the number of youth that could be adjudicated under the proposed law without the benefit of probation, suspension, execution, or imposition of disposition of sentence is unknown.

SGF expenditures will increase, on average, by \$203.10 per youth per day to the extent that an offender is adjudicated delinquent and then housed in secure placement.


For illustrative purposes, over the last three years, 27% of the total number of youth in custody secure delinquent status (816) experienced a modification of at least one disposition, or stepped down to custody non-secure delinquent status. Not all modifications of dispositions result in the removal of juveniles from secure care to non-secure care, and some juveniles have multiple modifications of dispositions (some that increase the number of days they are required to be in secure care and others that decrease the number of days they are required to be in secure care). If the proposed law was enacted preventing modifications of dispositions for felony grade delinquent first degree rape or kidnapping, SGF expenditures would begin to exceed \$100,000 annually after 4 modifications are disallowed.

REVENUE EXPLANATION

There is no anticipated direct material effect on governmental revenues as a result of this measure.

Senate Dual Referral Rules
 13.5.1 >= \$100,000 Annual Fiscal Cost {S & H}
 13.5.2 >= \$500,000 Annual Tax or Fee Change {S & H}

House
 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}
 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}


Patrice Thomas
 Deputy Fiscal Officer