

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 250** HLS 20RS 163
 Bill Text Version: **ORIGINAL**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.:

Date: May 9, 2020	8:35 AM	Author: HILFERTY
Dept./Agy.: Statewide		Analyst: Monique Appeaning
Subject: Jurisdiction over certain juvenile offenders		

JUVENILES/JURISDICTION OR SEE FISC NOTE GF EX Page 1 of 2
 Provides relative to the prosecution of certain juveniles in adult criminal court for offenses involving a firearm

Present law provides that beginning 7/1/20, juvenile court jurisdiction applies to delinquent acts committed by a person under the age of 18, and provides that if the child is 15 years of age or older at the time of the commission of specific offenses the district attorney may either file a petition in juvenile court or obtain an indictment or file a bill of information to prosecute the child as an adult in criminal court. Proposed law retains present law and adds any offense committed by a child who is seventeen years of age at the time of the commission of the offense and who is in possession of a firearm while committing the offense to the list of offenses for which the district attorney may either file a petition in juvenile court or obtain an indictment or file a bill of information to prosecute the child as an adult in criminal court.

EXPENDITURES	2020-21	2021-22	2022-23	2023-24	2024-25	5 -YEAR TOTAL
State Gen. Fd.	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
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	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
Annual Total						
REVENUES	2020-21	2021-22	2022-23	2023-24	2024-25	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	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	\$0
Annual Total	\$0	\$0	\$0	\$0	\$0	\$0

EXPENDITURE EXPLANATION

Proposed law may result an indeterminable decrease to the Department of Public Safety and Corrections - Youth Services (DPSC - YS) if any offense committed by a child who is seventeen years of age at the time of the commission of the offense and who is in possession of a fireman while committing the offense is moved from juvenile court. The number of youth that may be impacted is unknown and the net expenditure impact to the state is indeterminable.

DPSC - YS reports that proposed law makes the prosecution and potential incarceration of seventeen year olds committing offenses while in the possession of a firearm a transferrable offense to adult court. The agency is in the phased implementation of moving seventeen year olds into the juvenile system. A study by the LSU Health Sciences Center projected that full implementation of Raise the Age legislation would result in an additional 383 youth who would need to be served. After eleven (11) months of partial implementation, 426 additional youth were served. Proposed law will likely not apply until after 7/1/2020, when seventeen year olds with violent offenses will be served in the juvenile system. Proposed law will likely lower the number of youth served in the juvenile system, but no data set exists at this point to determine a potential savings.

For illustrative purposes, the daily rate per child in secure care is \$120.40 and non-secure care is \$26.39. The daily cost to house a person in a state adult facility \$67.44 and \$26.39 in a local facility. Transfer from juvenile to adult may result in a daily net savings of \$52.96 per child (\$120.40 daily rate for pending secure per youth - \$67.44 per offender per day rate housed in a state adult facility). This would result in an annual savings of \$19,330 per child.

DPSC - Correction Services (DPSC - CS) reports that proposed law will have a fiscal impact because more persons would be convicted as adults. It could also increase the size of the Youth Offender Programming in DPSC - CS.

SGF expenditures will increase by \$67.44 per offender per day if an offender is housed in a state facility or \$26.39 for a state offender housed in a local facility. An offender sentenced to the custody of the Department of Public Safety and Corrections - Correction Services for one year would increase SGF expenditures by \$24,615.60 (\$67.44 per day x 365 days) if housed in a

Continued on Page 2

REVENUE EXPLANATION

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

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| <p><u>Senate</u></p> <p><input type="checkbox"/> 13.5.1 >= \$100,000 Annual Fiscal Cost {S & H}</p> <p><input type="checkbox"/> 13.5.2 >= \$500,000 Annual Tax or Fee Change {S & H}</p> | <p><u>House</u></p> <p><input type="checkbox"/> 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}</p> <p><input type="checkbox"/> 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}</p> |
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Evan Brasseaux
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Staff Director

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CONTINUED EXPLANATION from page one:

Expenditure Explanation Continued from Page One

state facility and \$9,632.35 (\$26.39 per day x 365 days) if housed in a local facility. Approximately 50% of state offenders are housed in state facilities and approximately 50% are housed in local facilities.

The aggregate net state expenditure impact between DPSC - YS and DPSC - CS is indeterminable and could potentially result in a net savings or net increase depending on charges filed, judicial jurisdiction determinations, and conviction rates compared to the baseline in present law.

Judiciary

Proposed law will have an indeterminable impact on expenditures of the Judiciary. Data is not available to determine the fiscal impact on expenditures.

Louisiana Public Defender Board (LPDB)

Proposed law may result in an indeterminable increase in SGF expenditures to the LPDB. LPDB reports that proposed law will give District Attorneys the authority and discretion to file charges in adult court against any child who is seventeen years old and is accused of an offense while in possession of a firearm. This may apply to a rather large number of cases resulting in a potentially significant workload increase to public defenders offices as the provisions will complicate jurisdictions and may require both juvenile and adult public defenders to work on or consult on individual cases depending on the facts of each. LPDB provided specific examples wherein a charge including possession of a firearm may be referred to criminal court, only to have the jury dismiss the element relative to possession of the firearm but convict on an element that would otherwise have been remanded to a juvenile court. The prevalence and likelihood of such scenarios are unknown, but proposed law does seem to give rise to some question over jurisdiction after initial referral to the appropriate court and LPDB may realize a resulting workload impact.

Louisiana District Attorneys Association (LDAA)

Proposed law may not result in local fund expenditures changes to district attorneys. LDAA reports that proposed law would divest the juvenile court jurisdiction when the offender is seventeen and was in possession of a firearm at the time the crime was committed. Prosecuting offenses falls within normal course and scope of prosecutorial duties. The Office of the District Attorney would be prosecuting these offenders whether the cases are handled in juvenile court or district court; thus, it is unlikely the passage of this bill would cause any significant fiscal impact to the Office of District Attorney.

Senate

Dual Referral Rules

House

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

- 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}

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