



**LEGISLATIVE FISCAL OFFICE
Fiscal Note**

Fiscal Note On: **HB 208** HLS 23RS 180
 Bill Text Version: **ENGROSSED**
 Opp. Chamb. Action: **w/ SEN COMM AMD**
 Proposed Amd.:
 Sub. Bill For.:

Date: June 1, 2023	1:49 PM	Author: SEABAUGH
Dept./Agy.: Youth Services (Juvenile Justice)		
Subject: Lowers Age for Consideration as Juvenile in Justice System		Analyst: Daniel Druilhet

JUVENILES/JURISDICTION EG1 SEE FISC NOTE LF EX See Note Page 1 of 2
 Lowers the age for consideration as a juvenile in the criminal justice system

Current law defines child as (1) any person under the age of 21 who commits a delinquent act before attaining 17 years of age, (2) beginning March 1, 2019, any person under the age of 21, who commits a delinquent act on or after March 1, 2019, when the act is not a crime of violence and before attaining 18 years of age, and (3) beginning June 30, 2020, any person under the age of 21, who commits a delinquent act on or after July 1, 2020, and before attaining 18 years of age. Current law provides that the court is required to hold a hearing within 3 days after the child's entry into the juvenile detention center or shelter care facility. Proposed law amends current law to define child as (1) before March 1, 2019, and after July 1, 2023, any person under the age of 21 who commits a delinquent act either before March 1, 2019, or after July 31, 2023, before attaining 17 years of age; (2) from March 1, 2019, until June 30, 2020, any person under the age of 21 who commits a delinquent act not a crime of violence on or after March 1, 2019 until June 30, 2020, and before attaining 18 years of age; (3) from July 1, 2020, until July 31, 2023, any person under the age of 21 who commits a delinquent act on or after July 1, 2020, through July 31, 2023, and before attaining 18 years of age; amends current law to provide that a child 17 years of age at the time of the commission of the crime of carjacking is subject to the exclusive criminal jurisdiction of the appropriate court.

EXPENDITURES	2023-24	2024-25	2025-26	2026-27	2027-28	5 -YEAR TOTAL
State Gen. Fd.	DECREASE	DECREASE	DECREASE	DECREASE	DECREASE	
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	2023-24	2024-25	2025-26	2026-27	2027-28	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	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	\$0
Annual Total						

EXPENDITURE EXPLANATION

Proposed law will likely result in an indeterminable decrease in SGF expenditures to the Office of Juvenile Justice (OJJ), as it would result in a lower number of youth requiring services from OJJ. As of April 21, 2023, of the 1,931 youth age 17 or older served by OJJ since the implementation of the Raise the Age Law, 1,645 have been released, and 286 are still receiving OJJ services. However, the reduction in expenditures would not be realized until those currently under the care of OJJ are released over the next couple of fiscal years.

Proposed law will likely result in an indeterminable decrease in expenditures for city and parish governments to the extent these entities are no longer required to house 17 year olds in a juvenile detention center during pre-trial proceedings after July 31, 2023. Under present law, cities and parishes are required to house 17 year olds in a juvenile detention center prior to trial (some exceptions provided). Local jurisdictions report paying approximately \$200 to \$250 per juvenile per day to juvenile detention centers, with one out of state facility charging \$600 per juvenile per day. In addition to the daily housing rate, local jurisdictions must also pay for travel costs to transport juveniles to and from the juvenile detention center for court appearances. Costs for local jurisdictions will likely decrease as a result of the proposed law, but will vary on the daily rate charged by local sheriffs or other jurisdictions who will be required to house juveniles 17 years or older with the enactment of proposed law.

Proposed law will result in an indeterminable increase in expenditures to local Sheriff's departments to the extent they are required to house 17 year olds during pre-trial proceedings. The Louisiana Sheriffs' Association (LSA) reports that most Sheriff's departments do not currently house juveniles because they are unable to keep the juveniles "sight and sound separated" as required under the Juvenile Justice and Delinquency Prevention Act (JJDP). The LSA reports there will likely be increased costs for local Sheriffs for renovations to existing facilities in order to house 17 year olds and be in compliance with federal law. The impact is indeterminable as the LSA and local sheriffs are currently unable to determine the scope of the renovations.

REVENUE EXPLANATION

There is no anticipated direct material effect on governmental revenues as a result of this measure. To the extent local jurisdictions are not in compliance with the sight and sound regulations set forth in the JJDP, there may be an indeterminable impact on federal grant funding through the Louisiana Commission on Law Enforcement.

Continued on Page 2

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

Evan Brasseaux

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 Interim Deputy Fiscal Officer



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CONTINUED EXPLANATION from page one:

[CONTINUED REVENUE EXPLANATION FROM PAGE 1]

The Louisiana Commission on Law Enforcement (LCLE) receives federal grant funding through the Juvenile Justice and Delinquency Prevention Act (JJDP) Formula Grants Program. LCLE reports it received approximately \$500,000 - \$750,000 annually through this program. The grant is to assist states in the development of more effective education, training, research, prevention, diversion, treatment, and rehabilitation programs in the area of juvenile delinquency and programs to improve the juvenile justice system. The JJDP and corresponding administrative rules and regulations require that juveniles alleged to be or found to be delinquent will not be detained or confined in any institution in which they have sight and sound contact with adult inmates. Any state not in compliance with the JJDP shall have its grant funding reduced by not less than 20% for each core requirement violated. The proposed legislation may reduce the funding from the JJDP program by 20% if Louisiana is found to not be in compliance with the sight and sound regulations set forth in the JJDP.

For informational purposes, the Department of Public Safety & Corrections - Youth Services reports providing services to 1,609 juveniles (17 year old youth - post adjudication) since Raise the Age legislation was passed. The juveniles were placed under supervision and/or care as listed below.

	Supervision	Non-Secure Care	Secure Care
FY 20 (Non-Violent Only)	438	53	29
FY 21 (Full Implementation)	412	46	44
FY 22	435	56	42
FY 23 (as of 4/1/2023)	324	3	21
Total Youth Served	1,609	186	136

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}

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