

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 210** HLS 24RS 481

Bill Text Version: **ORIGINAL**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

Date: March 29, 2024	3:00 PM	Author: VILLIO
Dept./Agy.: Youth Services		Analyst: Daniel Druilhet
Subject: Prosecution of Juveniles as Adults for Certain Offenses		

JUVENILES/JURISDICTION

OR SEE FISC NOTE GF EX

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Provides relative to the prosecution of a juvenile as an adult for certain offenses

Current law provides that when a child is 15 years of age or older at the time of commission of 1st degree or 2nd degree murder, aggravated or 1st degree rape, or aggravated kidnapping, he is subject to juvenile court jurisdiction until he is indicted for the offense or a continued custody hearing is held and the court finds probable cause that he committed one of the offenses, and a bill of information charging him of an offenses is filed, whichever occurs first; provides a list of offenses that, at the time of commission, subjects a child 15 years of age or older to juvenile court jurisdiction until certain divesting events occur; provides that an adult charged with an offense committed while he was a child for which the time limitation for instituting prosecution has not lapsed and for which he was subject to adult prosecution due to his age at the time of commission of the offense shall be prosecuted as an adult in criminal court. Proposed law provides that a child 15 years of age or older at the time of committing a crime punishable by life imprisonment is subject to juvenile court jurisdiction until criminal indictment or until the court holds a continued custody hearing and finds probable cause that he committed the crime, whichever occurs first; changes the offenses that, at the time of commission, subjects a child 15 years of age or older within juvenile court jurisdiction to be transferred to adult criminal court jurisdiction - crimes or attempted crimes of violence or crimes with an element of death of a human being punishable by a maximum sentence of 20 years, aggravated, attempted aggravated, or simple or attempted simple escape, or an attempted crime of violence while in OJJ custody; effective 1/01/25 with adoption at statewide election of the amendment contained in the act originated as HB ___ of the 2024 RS.

EXPENDITURES	2024-25	2025-26	2026-27	2027-28	2028-29	5 -YEAR TOTAL
State Gen. Fd.	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					
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	SEE BELOW					
Annual Total						

EXPENDITURE EXPLANATION

Proposed law may result in an indeterminable increase in SGF expenditures in the Department of Public Safety and Corrections – Corrections Services (DPS&C – CS), to the extent that the list of offenses for which juveniles 15 years of age or older currently subject to be transferred to adult criminal jurisdiction is expanded. Proposed law has the effect of adding any crime or attempted crime of violence punishable by a maximum sentence of 20 years or more, any crime punishable by life imprisonment, any crime which has an element involving the death of a human being punishable by a maximum sentence of imprisonment of 20 years, aggravated or attempted aggravated escape or attempted or simple escape, or any crime or attempted crime of violence while in OJJ custody to the list of crimes for which children 15 years of age or older within juvenile court jurisdiction can be transferred to adult criminal court jurisdiction. The exact fiscal impact of the passage of this legislation is indeterminable, because it is not known how many juveniles 15 years of age or older will be transferred to adult criminal jurisdiction, subsequently convicted and sentenced to imprisonment, nor the length of sentences assessed with those convictions as a result of its potential enactment (with adoption at the statewide election of the amendment contained in the act originated as HB ___ of the 2024 RS).

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REVENUE EXPLANATION

Proposed law may result in a reduction in revenue to DPS&C-CS and local Sheriffs, to the extent that state and local correctional facilities sustain an annual 5% reduction in federal funding for failure to comply with provisions of the Prison Rape Elimination Act, which requires correctional facilities to prevent incidents of sexual violence in prison. For the past five years, DPS&C-CS has received \$340,062 in Federal Funds via Interagency Transfer from the Louisiana Commission on Law Enforcement’s receipt of U.S. Department of Justice Bureau of Justice Assistance Edward Byrne Memorial Justice Assistance Grants. The Prison Rape Elimination Act provides for an annual 5% reduction in federal funding to any agency that fails to prevent incidents of sexual violence in prison. To the extent that DPS&C-CS and local Sheriffs are unable to ensure compliance with the Prison Rape Elimination Act in state and local facilities with the addition of any new juveniles prosecuted through the adult criminal courts and not through juvenile proceedings, there may be a reduction in receipt of Federal Funds.

Senate

Dual Referral Rules

House

13.5.1 >= \$100,000 Annual Fiscal Cost {S & H}

6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}

13.5.2 >= \$500,000 Annual Tax or Fee Change {S & H}

6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}

Patrice Thomas
Deputy Fiscal Officer

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CONTINUED EXPLANATION from page one:

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For illustrative purposes, SGF expenditures will increase by \$107.60 per offender per day to the extent that an offender is convicted, sentenced, and then subsequently housed in a state facility or \$26.39 per offender per day for an offender housed in a local facility. Corrections Services reports that impacts on offender populations are anticipated to affect the number of offenders held in local facilities. Corrections Services reports that in managing its offender population, it seeks to fill all beds in state facilities first, then assigns overflow offenders to local facilities.

For informational purposes, DPS&C-CS reports that of the total youth population within both secure and nonsecure custody with the Office of Juvenile Justice (731), there are currently 150 youth currently in custody for crimes of violence punishable by a maximum sentence of 20 years or more or crimes punishable life imprisonment (if those crimes were adjudicated as adult offenses).

Office of Juvenile Justice

Proposed law may result in a decrease in SGF expenditures in the Office of Juvenile Justice, to the extent that more juveniles are prosecuted, convicted, and subsequently incarcerated through the adult criminal courts and not adjudicated via juvenile proceedings. Currently, only juveniles arrested for certain crimes can be transferred to the jurisdiction of adult criminal courts, and the proposed law would allow for the transfer of juveniles to adult criminal courts for prosecution for a list of additional crimes. To the extent that more juveniles are prosecuted through adult criminal courts and not through juvenile proceedings, there could potentially be a decrease in expenditures related to housing juveniles in juvenile detention facilities.

For informational purposes, the current average daily rate for housing juveniles in secure care facilities is \$203.10.

Sheriffs

Proposed law may result in an indeterminable increase in Local Funds expenditures for Sheriffs, as it has the effect of impacting where juveniles (no longer subject to special juvenile procedures and subject to adult criminal courts) will be detained prior to and subsequent to trial. Prior to trial commences in adult criminal courts, local Sheriffs will incur increased Local Funds expenditures to detain juveniles 15 years of age or older in local facilities. The Louisiana Sheriffs Association reports that it is foreseeable that separate facilities would have to be utilized in some parishes to house offenders, to comply with the Prison Rape Elimination Act. The exact fiscal impact to Local Funds expenditures is indeterminable, because costs among local prisons are variable, and there is no way to determine the duration of stays in local prisons by those juveniles 15 years or older that will be transferred to adult criminal courts for prosecution.

Conversely, there may be a potential cost savings for those juveniles detained and previously subject to the jurisdiction of juvenile courts who would be transferred to adult facilities after prosecution and conviction in adult criminal courts. The exact fiscal impact to SGF expenditures is indeterminable, because it is not known the extent to which crimes exclusively under the purview of the jurisdiction of juvenile courts would be included with those under which special juvenile procedures would not apply.

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