

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **SB 301** SLS 16RS 396
 Bill Text Version: **ORIGINAL**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.:

Date: April 5, 2016 8:57 AM **Author:** MORRELL
Dept./Agy.: Office of Juvenile Justice **Analyst:** Monique Appearing
Subject: Juvenile Justice Accountability and Cost Effectiveness Act

JUVENILE JUSTICE OR INCREASE GF EX See Note Page 1 of 2
 Creates the Juvenile Justice Accountability and Cost Effectiveness Act of 2016 as a system to monitor and implement systems for better accountability and cost-effectiveness in the juvenile justice system. (8/1/16)

Proposed law creates the Juvenile Justice Accountability And Cost Effectiveness Act of 2016 to provide for compilation and reporting of data as to accountability and cost effectiveness of the juvenile justice system; to provide for program evaluation and funding of the juvenile justice system; to provide for certain periods of detention in juvenile facilities under certain circumstances; and to provide for related matters. Proposed law declares it to be the policy of the state of Louisiana that all government agencies and officers, all government subdivisions, and all organizations and individuals working with children in the juvenile justice system shall conduct a continuing inquiry into the efficacy, cost-effectiveness, and impact on public safety of the treatment and supervision methods that the juvenile justice system employs. The purpose of this policy is to promote accountability, efficiency, and cost-effectiveness, and to facilitate continuous improvement by requiring regular reporting of clear and reliable data on Louisiana's juvenile justice system. Proposed law further declares to be the policy and intent of the state of Louisiana to promote public safety and expend taxpayer funds responsibly through the use of evidence-based treatment programs and practices at the local level and to reinvest a portion of juvenile justice savings achieved into community-based programs and services.

EXPENDITURES	2016-17	2017-18	2018-19	2019-20	2020-21	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	2016-17	2017-18	2018-19	2019-20	2020-21	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	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
Annual Total						

EXPENDITURE EXPLANATION

Proposed law will result in an indeterminable but significant increase in SGF expenditures as a result of the various components that are included in the creation of the Juvenile Justice Accountability and Cost Effectiveness Act of 2016. This legislation proposes to enact two subparts, SUBPART I - Data and Accountability and SUBPART II - Juvenile Justice Reinvestment Program.

Proposed law is one part of a package of bills introduced in the 2016 Regular Session of the Louisiana Legislature seeking to implement dramatic reforms to the state's juvenile justice system. As reported by LSU Health New Orleans Institute for Public Health and Justice, in "A Legislated Study of Raising the Age of Juvenile Jurisdiction in Louisiana" in response to House Concurrent Resolution 73 of 2015, "Louisiana should strongly consider raising the age of juvenile court jurisdiction to include 17-year-old offenders. Findings suggest that this change would benefit public safety, promote youth rehabilitation, and create long-term savings." The report recommended a comprehensive five-year strategic plan for reforming juvenile justice to make structural changes that adopt evidenced-based practices and utilization of a comprehensive data infrastructure to inform policy. Senate Bills 301, 302, 303 and 324 comprise a package of bills seeking to implement these changes. To the extent that the adopted changes are effective in reducing recidivism of youthful offenders, reducing contact of youthful offenders with the adult criminal justice system, and reducing the likelihood that a youthful offender will grow into an adult habitual offender, the state may realize significant long-term savings over the course of those individuals' lifetimes. In the short-term, such proposals generally may create significant expenditure impacts as the state adopts programs and strategies to collect, disseminate and use data to effectuate evidence based practices that lead to long-term success.

Office of Juvenile Justice (OJJ) - Data and Accountability - \$1,045,148

OJJ reports SGF expenditures will increase in FY 17 (year one) by a maximum cost of \$1,045,148. Proposed law gives OJJ statistical data collection, publishing and reporting responsibilities and requirements. It further provides for certain requirements that include electronic publications on a website maintained by OJJ that is searchable and easy to read by the general public. OJJ reports that its current case management system (JETS) is not a statistical data system. Data would need to be extracted from JETS into a data warehouse to be analyzed and managed. Because there is no staff who can perform this duty, a request for proposal (RFP) would be issued to contract for the creation and maintenance of a data warehouse. The estimated startup cost in year one ranges from \$150,000 to \$200,000 for software, hardware, and consultants or contractors to assemble and maintain the data warehouse environment. The out-year estimate for ongoing maintenance ranges from \$50,000 to \$100,000 annually. Second, some of the data in the proposed law are currently not collected by OJJ (arrest, medications, etc.). OJJ reports it will need to execute information sharing agreements with local law enforcement entities, courts, and/or medical facilities and will need to obtain authorizations from legal guardians for the release of medical information

Continued on Page Two

REVENUE EXPLANATION

There is no anticipated direct material effect on state governmental revenues as a result of this measure. However, the Fiscal Incentive Program is established to fund local efforts that enhance public safety while reducing juvenile justice system costs. To the extent funds are awarded on the local level, there may be changes to funding on the local level for juvenile justice related projects. Proposed law states that it is the intention of the legislature that, beginning FY 18, at least 75% of all savings realized by the state from reductions in out-of-home placements below CY 2015 baseline shall be designated by the governor and appropriated by the legislature for use in funding the JJRP.

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}

Evan Brasseaux

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Staff Director

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CONTINUED EXPLANATION from page one:

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Continued Expenditure Explanation From Page One

prior to approaching medical organizations for data on youth. OJJ reports that it will need one additional T.O. position in each of its 11 offices to act as a liaison with local entities to collect this data and enter it into JETS. The work the liaisons will perform includes initiating and executing all of the information sharing agreements at the local level. The average salary and related benefits at OJJ total \$65,468. The total annual cost for the 11 positions is \$720,148 (11 positions x \$65,468). Third, some of the data in the proposed law are not stored in JETS. JETS would need to be modified to accept this data in a reportable manner. The estimated cost is \$25,000. Finally, OJJ reports that its website is not suited to publish the data in a format that is searchable and able to be understood by the general public and it does not have the staff to perform this duty. An RFP would be issued to contract for the creation and maintenance of the website at a year one cost that ranges from \$50,000 - \$100,000. The out year cost estimate ranges from \$15,000 to \$20,000 annually for ongoing maintenance.

District Attorneys - \$769,800

The Louisiana District Attorneys Association (LDAA) reports that proposed law will increase SGF expenditures by \$769,800 for District Attorneys (DAs). DAs in Louisiana use one of six case management systems, with the majority of districts operating two of the six. Neither of the existing systems captures the data included in proposed law. Therefore, LDAA estimates modifications to the existing case management systems software at a cost of \$190,000. Also, research would be needed at the district level to identify deficiencies in existing business rules. The cost estimate for the research is \$135,000. Funding is needed to develop and deploy electronic export interfaces for each district to deliver data to the Supreme Court. The FY 17 cost is \$190,000 (\$5,000 per district for 38 districts using the more common case management systems) and \$60,000 (\$15,000 x 4) for the remaining districts. LDAA reports a subject matter expert is needed as a statewide trainer to implement necessary changes to current practices outlined in the proposed law at a cost of \$75,000. A systems administrator is needed to manage the database network and interfaces at a cost of \$100,000. Funding is needed for a case management vendor interface at a cost of \$42,000 (\$1,000 per district). Hardware upgrades will be needed statewide at a cost range from \$6,000 to \$10,000. LDAA identifies the need to provide travel expenses for trainers to perform site visits to all districts at a cost of \$7,800.

Supreme Court of Louisiana (SCL)

There is no impact on SGF expenditures as a result of this proposed law that states in part that OJJ shall cooperate and coordinate with courts, juvenile court clerks...in the collection of statistical data. SCL would utilize up to \$700,000 of grant funding to pay for the technology changes needed for courts with juvenile jurisdiction to report this data to the SCL. SCL projects that the grant funding along with labor from existing SCL staff will be sufficient to implement the program without the need for additional SGF.

District Courts and Detention Centers

No information was submitted to LFO at the time this fiscal note was prepared. Once information is provided, this section will be updated.

Louisiana Commission on Law Enforcement (LCLE)

There is an indeterminable increase for FY 17 in SGF expenditures as a result of proposed law. LCLE reports that proposed law will create a workload increase. The impact to workload includes additional analytical activity and new programmatic activity. The legislation assigns the establishment of a baseline calculation of reductions in out-of-home placements and costs per day to LCLE. It is also responsible for annual reporting of cost-savings of reforms. Therefore, the agency will need additional staff for the Fiscal Incentive Program and additional resources to conduct analyses. The out-year (FY 18, FY 19, FY 20, and FY 21) estimated need is a SGF expenditure increase of \$41,000 annually.

Proposed law establishes the Juvenile Justice Reinvestment Program (JJRP) within LCLE. JJRP is established as a fiscal incentive program to fund local efforts that enhance public safety while reducing juvenile justice system costs. Funding appropriated for the program shall be utilized for renewable grants to be awarded to judicial districts, or groups of judicial districts, for the purpose of establishing community-based sanction and treatment programs, including reentry programs, that provide alternatives to out-of-home placement. Proposed law further states that it is the intention of the legislature that, beginning FY 18, and continuing indefinitely on an annual basis, at least 75% of all savings realized by the state from reductions in out-of-home placements below the calendar year 2015 baseline shall be designated by the governor and appropriated by the legislature for use in funding the JJRP.

SGF Expenditure Impacts

	<u>FY 17</u>	<u>FY 18</u>	<u>FY 19</u>	<u>FY 20</u>	<u>FY 21</u>
OJJ (includes 11 TOs)	\$1,045,148	\$840,148	\$840,148	\$840,148	\$840,148
District Attorneys	\$ 769,800	\$193,100	\$172,550	\$152,000	\$152,000
LCLE (including 1 position)	(Indeterminable)	\$ 41,000	\$ 41,000	\$ 41,000	\$ 41,000

Office of Juvenile Justice / Louisiana Public Defender Board - Programmatic Impacts

There is an indeterminable impact in SGF expenditures for OJJ as a result of certain changes to sentencing guidelines. These changes include the following areas: detaining children younger than thirteen for a misdemeanor-grade delinquent act; duration of a disposition based on a felony-grade adjudication, duration of a disposition based on a misdemeanor-grade adjudication; penalties for contempt (children); and families in need of services proceedings, when the child is adjudged guilty of direct contempt of court or constructive contempt of court for repeated disobedience of the court's judgment of disposition.

The Louisiana Public Defender Board (LPDB) reports that provisions in proposed law requiring that children adjudicated delinquent for a felony-grade offense that is not a crime of violence shall not be committed for a term to exceed 9 months and that the child shall be brought before the court for contradictory modification hearings will likely result in a cost savings generated by expedited modifications beyond the baseline. This will, in effect, likely serve to reduce the duration of costly commitments to out-of-home placements and create substantial savings. LPDB would realize incremental cost increases associated with representing youthful offenders for more frequent modification hearings, which should more than offset at a state fiscal level by reduced commitment durations. OJJ would also realize increased costs associated with transporting youth to their home court districts for additional hearings, though reduction of commitments may offset this expense as well. To the extent there are changes in the housing status of youthful offenders there is an indeterminable increase or decrease of \$143.28 per day to house state youthful offenders in Secure Care or \$112.78 per day to house state youthful offenders at a local detention center classified as pending secure placement. The net fiscal impact on changes of this area of proposed law is unknown.

Senate Dual Referral Rules House

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| <input checked="" type="checkbox"/> 13.5.1 >= \$100,000 Annual Fiscal Cost {S&H} | <input checked="" 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} |

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