



DEPARTMENT OF AUDITS AND ACCOUNTS

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January 30, 2017

Honorable Mary Margaret Oliver
State Representative
604-E Coverdell Legislative Office Bldg.
Atlanta, Georgia 30334

SUBJECT: Fiscal Note
House Bill 53 (LC 29 7206)

Dear Representative Oliver:

This bill would change the jurisdiction of the juvenile court to include children who are under the age of 18 years. Under current law, 17-year-olds who violate state laws fall under the jurisdiction of superior court. As a result of transferring 17-year-olds to juvenile court, those that are adjudicated delinquent would fall under the custody of the Department of Juvenile Justice (DJJ) instead of the Georgia Department of Corrections (GDC).

A higher number of juvenile cases would result in additional spending by four agencies. A recent study estimates DJJ's one-time costs at \$110 to \$150 million to construct new or renovate existing facilities to house additional juveniles, as well as an increase of \$33 million for facility operations and community services. (There would be no offsetting savings at GDC due to the relatively small number of 17-year olds in GDC custody.) DJJ estimates an additional \$571,000 for intake and assessment personnel. The Department of Behavioral Health and Developmental Disabilities (DBHDD) predicts an increase in referrals and commitments from DJJ, increasing annual costs by approximately \$5.1 million. Finally, annual costs for additional state-funded attorneys include \$7.5 million for prosecutors and \$2 million for public defenders.

Exhibit 1. State Agency Costs Associated with LC 29 7206

Agency	Operating Cost Increase	One-Time Costs
Department of Juvenile Justice	\$33,570,933	\$110-\$150 million
Department of Behavioral Health and Developmental Disabilities	\$5,081,802	
Prosecuting Attorneys Council	\$7,469,349	
<u>Georgia Public Defenders Council</u>	<u>\$2,033,286</u>	
Total	\$47,584,437	\$110-\$150 million

Department of Juvenile Justice Costs

The largest fiscal impact of this legislation is due to increased costs for DJJ to house 17-year-old offenders. According to a 2017 study commissioned by DJJ and the Office of Planning and Budget, changing the jurisdiction of the juvenile court to include children who are under the age of 18 years would require an additional 152 Youth Development Campus (YDC) beds and 50 Regional Youth Detention Center (RYDC) beds.

As shown in **Exhibit 2**, the study estimates that three new 50-bed YDCs could be constructed for approximately \$150 million, or existing state-owned facilities (closed GDC facilities) could be renovated for approximately \$110 million. The design and construction would take approximately three years from the initial authorization for general obligation bonds.

Exhibit 2. DJJ’s One-Time Youth Development Campus Costs

	New Facilities	Renovated Facilities
Design	\$13,450,925	\$9,825,754
Construction	\$99,000,000	\$78,000,000
Furniture, Fixtures, and Equipment	\$1,800,000	\$1,800,000
Land Purchase	\$8,400,000	\$0
<u>Escalation</u>	<u>\$27,109,248</u>	<u>\$20,257,536</u>
Total	\$149,760,173	\$109,883,290

¹ Figures calculated based on estimates for three 50 Bed YDCs.
² Escalation costs calculated at 8% of construction for 3 years and land for 2 years.

In addition to one-time construction costs, the additional caseload would increase DJJ annual operating costs by approximately \$33.6 million. The study estimated that DJJ would need an additional \$33 million in operating costs for YDCs, RYDCs, and community services. The additional funds would be used for staffing, services, and facility costs. An increase in juvenile court adjudications would also require additional DJJ staff for intake and assessment. DJJ estimates that an additional staff person would be needed for intake at each of its 9 RYDCs, at a total cost of \$455,117 (salary and benefits). Two additional staff would also be required to conduct assessments for placement once a youth has been adjudicated, at a cost of \$115,816 for salary and benefits.

The higher caseload would also increase the utilization of RYDCs, where juveniles are held prior to the adjudicatory hearing (trial). The study estimated the need for 50 additional RYDC beds. However, because the time a juvenile spends in an RYDC is relatively short and these facilities are spread throughout the state, DJJ would be able to use currently vacant beds to fulfill this need.

Department of Corrections – No Change in Costs

GDC currently houses approximately 90 17-year-olds each year. If these offenders were in DJJ custody, GDC would repurpose the additional available beds to house adult offenders.

Adult state offenders are kept in county jails after sentencing until a GDC bed is available. GDC indicated that the additional beds would be used to transfer offenders from county jail to GDC custody more quickly. Under state law, GDC has 14 days to take custody of a sentenced offender before it must begin paying the county a \$30 per diem. GDC manages this population to reduce or eliminate the amount paid for per diems. In fiscal year 2016, GDC paid a total of \$660 for county

jail per diems. As a result, it is unlikely that GDC would see significant savings from the additional beds made available under this legislation.

Department of Behavioral Health and Developmental Disabilities Costs

Transferring 17-year-olds to the jurisdiction of the juvenile courts would result in higher costs for DBHDD, due to its close working relationship with juvenile courts and DJJ. DBHDD would provide additional mental health and forensic services to the affected population, resulting in increased annual costs of approximately \$5.1 million.

While DBHDD provides mental health services to 17-year-olds under current law, the agency expects an increase in referrals—and higher caseload—from the juvenile courts and DJJ as a result of the bill. Currently, the agency serves fewer 17-year-olds than 16-year-olds. If DBHDD serves 17-year-olds at the same level, the additional costs for mental health services would total \$3.0 million annually.

Additionally, DHBDD indicated that the juvenile court system requires additional forensic services. Officials stated that juvenile courts request more competency evaluations and that juveniles are more likely to be found incompetent. While an adult offender may be sent to a state hospital, a juvenile offender would require a more expensive placement. Estimated costs for the additional forensic services total \$2.1 million annually.¹

Cost for Prosecuting Attorneys and Public Defenders

State-funded attorney costs are expected to increase as a result of differences in the handling of juvenile cases and higher caseloads. Due to fluctuations in the number of arrests, it is difficult to project the number of cases that would be transferred to juvenile court. Estimates range from 8,500 to 11,600.

Prosecuting Attorneys Council

Under state law, prosecuting attorneys have less time to file charges in a juvenile case than in an adult case. If a juvenile is detained, the delinquency petition must be filed within 72 hours of the detention hearing. If the juvenile is not held in detention, the petition must be filed within 30 days. For an adult defendant held without bail, the state generally has 90 days to obtain an indictment or file an accusation. As a result, additional prosecuting attorneys would be necessary to handle the increase in the juvenile caseload.

To meet the statutorily required time frame, the Prosecuting Attorneys Council believes the bill would require a minimum of one additional Assistant District Attorney and one administrative assistant in each of the 49 circuits. The total cost of adding these positions is \$7.5 million.

Georgia Public Defenders Council

According to the Georgia Public Defenders Council (GPDC), juvenile court cases are more complex and take longer than superior court cases. As a result, the additional juvenile cases would require 28 state-paid juvenile defender positions at an annual cost of \$1.3 million. While the

¹ DBHDD noted that it is difficult to estimate placement costs for juveniles found to be incompetent. DBHDD estimated the additional placement costs at \$195,275 annually (included in forensic services total), but the amount and number of placements could vary.

superior court caseload would decrease, GDPC does not expect cost savings. Under state law, a public defender is required for each superior court judge.

GPDC also noted that juvenile cases have a higher conflict rate, requiring the public defender's office to hire an outside firm. The outside firms typically have higher costs than adult cases because of the specialized nature of juvenile cases. GPDC estimated increased annual costs for conflict cases at approximately \$726,000.

Other State Agencies

We contacted other state agencies that could potentially be affected by the proposed legislation, but each indicated that the legislation would not have a significant fiscal impact. The agencies contacted include the Department of Community Supervision, the Administrative Office of the Courts (including the Council of Juvenile Court Judges), the Criminal Justice Coordinating Council,² the Department of Human Services, and the Georgia Vocational Rehabilitation Agency.

Sincerely,



Greg S. Griffin
State Auditor



Teresa A. MacCartney, Director
Office of Planning and Budget

GSG/TAM/lb

² CJCC noted that an additional staff person (costing \$64,800) could be required if funds were increased for the Juvenile Justice Incentive Grant.