



DEPARTMENT OF AUDITS AND ACCOUNTS

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February 6, 2020

Honorable Mandi Ballinger
Chairman, House Juvenile Justice Committee
218-D State Capitol
Atlanta, Georgia 30334

SUBJECT: Fiscal Note
House Bill 440 (LC 48 0168)

Dear Chairman Ballinger:

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). The bill also provides for issuance of a citation and release upon arrest for juveniles.

This bill would require additional spending by five agencies: DJJ, the Department of Behavioral Health and Developmental Disabilities (DBHDD), the Prosecuting Attorneys Council, the Georgia Public Defenders Council, and the Georgia Bureau of Investigation (GBI). Approximately 6,700 arrests of 17-year-olds would become subject to the jurisdiction of the juvenile court system. These cases would affect agencies that support the courts and serve adjudicated youths.

Exhibit 1. State Agency Costs Associated with LC 48 0168

| Agency | Annual Costs | One-Time Costs |
|---|---------------------|----------------------|
| Department of Juvenile Justice | \$50,482,632 | \$199,680,231 |
| Department of Behavioral Health and Developmental Disabilities | \$5,081,802 | |
| Prosecuting Attorneys Council | \$7,667,940 | |
| Georgia Public Defenders Council | \$1,277,910 | |
| <u>Georgia Bureau of Investigation¹</u> | <u>\$132,352</u> | <u>\$21,261</u> |
| Total | \$64,642,636 | \$199,701,492 |

¹ The annual costs would be necessary only if citation data is to be collected by GBI. The increased workload would also affect the viability of the automated fingerprint information system (AFIS), but GBI plans to request bond funding in FY2022 to replace AFIS.

Cost to the Department of Juvenile Justice

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 approximately 200 additional beds. To address the need, DJJ would construct four new 50-bed facilities, at a cost of \$200 million dollars. DJJ would plan for two Youth Development Campuses (YDCs) and two Regional Youth Detention Centers (RYDCs), although the agency would be able to convert the new facilities from one type to another, as needed. The design and construction would take approximately three years from the initial authorization for general obligation bonds.

In addition to one-time construction costs, the additional caseload would increase DJJ annual operating costs by approximately \$50 million. DJJ estimated that it would need an additional \$44 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 nine RYDCs, at a total cost of \$451,848 (salary and benefits). Two additional staff would also be required for the YDCs to conduct assessments for placement once a youth has been adjudicated, at a cost of \$114,984 for salary and benefits. DJJ also estimated a total of 109 new probation officers and probation and parole specialists in Community Services, at a cost of \$5.7 million for salary and benefits.

No Change in Cost for the Georgia Department of Corrections

GDC currently houses 66 17-year-olds. 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. 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, and GDC indicated that the additional beds would be used to transfer offenders from county jail to GDC custody more quickly. As a result, it is unlikely that GDC would see significant savings from the additional beds made available under this legislation.

Cost to the Department of Behavioral Health and Developmental Disabilities

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, with differences attributed to fewer referrals from DJJ. 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. In calendar year 2018, there were 6,661 applicable arrests of 17-year-olds.²

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 an average of one additional Assistant District Attorney and one administrative assistant in each of the 49 circuits. The total cost of adding these positions is \$7.7 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 nine state-paid juvenile defender positions at an annual cost of approximately \$728,000. While the superior court caseload would decrease, GPDC 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 \$527,000, using the current rate. GPDC noted that it has lowered its per-case-payment from \$460 to \$360 due to budget reductions. At the higher payment rate, annual costs would be \$674,000.

Cost for Georgia Bureau of Investigation

Under the legislation, GBI would be required to develop uniform misdemeanor and felony citation and complaint forms to be used by law enforcement officials upon arrest of a person under 18. If GBI is only required to create forms, there would be no additional costs. However, if GBI is expected to obtain and maintain citation data for reporting purposes, GBI officials indicated the need for two additional employees—at a total cost of \$132,000.

The legislation also requires law enforcement to obtain fingerprints and review the accused's criminal record. GBI indicated that the increased workload would necessitate the replacement of the current

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

² This figure does not include arrests for SB440 offenses, which require juveniles (currently age 13-17) to be tried in superior court.

automated fingerprint identification system (AFIS) at a cost of \$4.6 million; however, the agency also stated that the system is due for replacement and will likely be included in a general obligation bond request in FY 2022. GBI would also need to make programming changes to the computerized criminal history to accommodate new dissemination requirements. These changes would incur a one-time cost of approximately \$21,000.

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, and the Department of Human Services.³

Sincerely,



Greg S. Griffin
State Auditor



Kelly Farr, Director
Office of Planning and Budget

GSG/KF/lis

³ The Administrative Office of the Courts noted that it may require funding if previous 17-year old adult charges need to be transferred into the Juvenile Data Exchange. The Criminal Justice Coordinating Council indicated there could be additional demand for incentive grants.