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FISCAL IMPACT REPORT

SPONSOR: Papen DATE TYPED: 01/31/03 HB _____
 SHORT TITLE: 3rd District Juvenile Sentencing SB 42/aSJC
 ANALYST: Chabot

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY03	FY04	FY03	FY04		
	\$500.0			Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Children, Youth and Families Department (CYFD)
 Juvenile Parole Board (JPB)

No Response Received From

Administrative Office of the Courts

SUMMARY

Synopsis of SJC Amendment

The Senate Judiciary Committee amends Section 1. B. to read as follows:

- B. When a children’s court judge in the third judicial district orders an alternative disposition, he shall place the child on probation and, as a condition of probation, ~~place the child in a long-term facility for the care and rehabilitation of adjudicated delinquent children~~ the child shall be required to participate in, and complete within a time period specified by the court, an impatient treatment program approved by the court. The facility may be located in state or out of state, provided the facility is accredited by or meets standards established by the American correctional association. The placement shall be for a term of not less than eighteen months and not more than two years.

The amendment makes participation in the treatment program a condition of parole.

Synopsis of Original Bill

Senate Bill 42 appropriates \$500.0 from the general fund to the Third Judicial District Court for the purpose of establishing an alternative dispositions pilot program in the third judicial district. The program would allow children's court judges in the third district to offer alternative disposition in a probationary status when CYFD does not offer sufficient services for the youth. Eligible youth are those offered an alternative disposition and placed on probation and adjudicated as a delinquent or youthful offender, between 15-18 years of age and not under treatment that includes psychotropic drugs. A child is not eligible if the adjudication involves arson or a second or subsequent offence of sexual penetration. Eligible youth would be placed on probation and, as a condition, placed in a long-term, accredited facility for the care and rehabilitation for not less than 18 months. The facility may be in or out-of-state.

Significant Issues

CYFD asks how it would be determined that they do "not offer sufficient services or programs for that child" and what agency will determine what specialized private facilities will meet the needs of the individual. They also state that if the child is sent out-of-state, there may be issues to address with respect to the Interstate Compact of Placement of Children.

The JPB is concerned that individuals placed on probation status would not be monitored by the parole system because they are not adjudicated to CYFD. They have no authority to track status of and authority of release of individuals placed on probation.

FISCAL IMPLICATIONS

The appropriation of \$500.0 contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of fiscal year 2004 shall revert to the general fund.

ADMINISTRATIVE IMPLICATIONS

The Third District court would have to ensure they have staff to oversee rehabilitative programs of youth placed on probation status including facility visitation, rehabilitation program oversight and care and treatment of individuals.

POSSIBLE QUESTIONS

1. How will the determination be made as to whether the department has sufficient services or programs for an youth on probation ? Is the determination to be made by the CYFD or the childrens' court judge ?
2. Who will monitor progress in rehabilitation of youth on probation status ?
3. If this pilot program is successful, what are the estimated costs for implementation state-wide ?