

Fiscal Note

BILL # HB 2385

TITLE: juveniles; monetary sanctions; repeal

SPONSOR: Blackman

STATUS: As Introduced

PREPARED BY: Geoffrey Paulsen

Description

The bill would repeal certain court-ordered fees for juveniles, exempt juveniles from court surcharges and assessments, and prohibit the court from charging a juvenile or the juvenile's parent or guardian for the costs of court-ordered treatment, counseling, and other services.

Estimated Impact

Based on Administrative Office of the Courts (AOC) data and some simplifying assumptions, we estimate the bill would reduce total revenue by about \$(3.5) million per year. Of this amount, we estimate \$(1.4) million would come from state revenue, including \$(10,700) from the General Fund, and \$(2.1) million would come from local government revenues.

The AOC estimates that total court revenue would be reduced by \$(5.6) million per year. We believe AOC's estimate is higher because it includes some base fines and surcharges which are not changed in the bill.

Analysis

The bill would exclude juveniles from a variety of court fees, surcharges, and other court-ordered costs. For example, the bill would eliminate a \$50 per month fee for juveniles in supervision (such as probation or DJC custody), exempt juveniles from a variety of surcharges applied to criminal and civil penalties, and prohibit the court from ordering a juvenile or the juveniles family to pay for a portion of the cost of treatment, counseling, public defender and/or incarceration costs.

According to the AOC, juveniles made up 2.2% of total court filings in calendar year 2019. To estimate the fiscal impact of the bill, we assumed 2.2% of the total revenue was from juvenile filings.

Based on the AOC data, we estimate that the bill would reduce revenue to the state by \$(1.4) million per year. The largest individual component is the state's share of revenue from the Criminal Justice Enhancement Fund surcharge. We estimate the General Fund component of the reduction would be \$(10,700).

The bill would also require the AOC to vacate all outstanding debt incurred from offenses committed when the offender was a juvenile. The AOC did not provide the amount of outstanding debt. This would result in foregone revenue that would have otherwise been collected, but we are unable to determine this amount.

Current law gives the court the authority to waive all or part of these costs. This estimate may overstate the fiscal impact if judges waive these monetary assessments for minors at a higher rate than adult offenders.

The bill would eliminate a portion of the Children and Family Services Training Program Fund revenue in DCS. DCS did not quantify this impact, but they reported total revenue of \$202,800 in FY 2019 and \$58,900 in FY 2020. We estimate that any impact to DCS would be minimal.

As discussed above, the bill would eliminate a \$50 per month fee for the supervision of juveniles. DJC reported an average of \$19,200 in supervision fee revenue annually over the past 5 years, which would be eliminated under the bill.

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Local Government Impact

We estimate that the bill would reduce local government revenue by \$(2.1) million per year.

The bill would eliminate the ability of courts to charge a juvenile or the parent or guardian of a juvenile a fee for cost of treatment, counseling, or other services. Any such reimbursement is part of the \$(2.1) million estimate. However, the counties report that when possible they further offset the cost of these services by charging the juvenile's health insurance (such as Medicaid). Since the bill would prohibit charging a juvenile for these costs, we believe this includes the juvenile's insurance. As a result, the fiscal impact could be greater, but we do not have sufficient information to determine that impact in advance.

2/24/21