

Fiscal Note

BILL # SB 1197

TITLE: juvenile offenders; monetary sanctions; repeal

SPONSOR: Gowan

STATUS: As Introduced

PREPARED BY: Ryan Fleischman

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 the Administrative Office of the Courts (AOC) data and some simplifying assumptions, we estimate the bill would reduce total revenue by about \$(2.1) million per year. Of this amount, we estimate \$(574,800) would come from state revenue, including \$(9,000) from the General Fund, and \$(1.5) million would come from local government revenues.

AOC estimates that total court revenue would be reduced by \$(4.7) 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 the Department of Juvenile Corrections' (DJC) custody), exempt juveniles from a variety of fines applied to criminal and civil penalties, and prohibit the court from ordering a juvenile or the juvenile's family to pay for a portion of the cost of treatment, counseling, public defender and/or incarceration costs.

According to AOC, juveniles made up 2.2% of total court filings in calendar year 2022. To estimate the fiscal impact of the bill, we assumed 2.2% of the total revenue was from juvenile filings.

Based on AOC data, we estimate that the bill would reduce revenue to the state by \$(574,800) per year. We estimate the General Fund component of the reduction would be \$(9,000) and the remaining \$(565,800) would be reduced from state non-General Fund sources.

The bill would also require AOC to vacate all outstanding debt incurred from offenses committed when the offender was a juvenile. 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 the Department of Child Safety (DCS). DCS estimated that this would reduce department revenue by \$(15,000) - \$(20,000) annually.

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As discussed above, the bill would eliminate a \$50 per month fee for the supervision of juveniles. DJC did not provide an updated estimate but reported an average of \$19,200 in supervision fee revenue annually over 5 years from 2017 through 2021, which would be eliminated under the bill.

Local Government Impact

We estimate that the bill would reduce local government revenue by \$(1.5) 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 \$(1.5) 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). The bill specifies that the juvenile's health insurer (including AHCCCS) may still charge for expenses related to the child's treatment or care. As a result, the fiscal impact could be less to the extent that some of the estimated local government revenue loss is attributed to these medical charges, but we do not have sufficient information to determine that impact in advance.

2/10/23