

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3720-01
Bill No.: HB 1252
Subject: Courts; Juvenile Courts; Children and Minors; Criminal Procedure
Type: Original
Date: March 3, 2010

Bill Summary: The proposal allows the court to suspend imposition of an adult sentence in cases where there is dual jurisdiction and the offender has been transferred from juvenile court to a court of general jurisdiction.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
General Revenue	(Unknown)	(Unknown)	(Unknown)
Total Estimated Net Effect on General Revenue Fund	(Unknown)	(Unknown)	(Unknown)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 5 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
Total Estimated Net Effect on FTE	0	0	0

- Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).
- Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of State Courts Administrator** assume the proposed legislation would have no fiscal impact on the courts.

Officials from the **Department of Corrections (DOC)** state this bill deals with situations where an offender under 17 years of age has been transferred to a court of general jurisdiction and whose prosecution results in dual jurisdiction of both the adult and juvenile criminal codes. This bill gives credit for all time served by the offender under the juvenile disposition toward the adult criminal sentence imposed when the “suspension of the adult criminal sentence is revoked.” The court currently only revokes the suspension of a suspended execution of sentence (SES) in this statute, not a suspended imposition of sentence (SIS). Passage of this bill would change that to include SISs.

Therefore, as written, the juvenile would not get credit for time served toward the adult criminal sentence if the court imposes a sentence on an SIS. The bill provides for the option for an offender (if the court so chooses) to complete the juvenile process, and have probation that is successfully completed resulting in the offenders not having an adult criminal record. It also provides an option for the court to impose a sentence and order the offender taken into immediate custody of the DOC. Passage of this proposal has the potential to increase the number of offenders sent to DOC for probation or incarceration services.

If additional persons are sentenced to the custody of the DOC due to the provisions of this legislation, the DOC will incur a corresponding increase in direct offender cost either through incarceration (FY09 average of \$16.04 per offender, per day, or an annual cost of \$5,855 per inmate) or through supervision provided by the Board of Probation and Parole (FY09 average of \$3.71 per offender, per day, or an annual cost of \$1,354 per offender).

DOC assumes the potential increased cost of probation or incarceration services to be Unknown.

Officials from the **Department of Social Services – Division of Youth Services (DYS)** anticipate no significant impact upon the DYS or on the youth served under dual jurisdiction.

<u>FISCAL IMPACT - State Government</u>	FY 2011 (10 Mo.)	FY 2012	FY 2013
GENERAL REVENUE FUND			
<u>Costs – Department of Corrections</u>			
Incarceration/probation costs	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2011 (10 Mo.)	FY 2012	FY 2013
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

The proposed legislation allows the court to suspend imposition of an adult criminal sentence in cases where an offender is younger than 17 years of age and has been transferred from juvenile court to a court of general jurisdiction pursuant to Section 211.071, RSMo. The court may impose the sentence and direct that the offender be taken into immediate custody of the Department of Corrections upon reaching 17 years of age.

This legislation is not federally mandated, would not duplicate any other program, and would not require additional capital improvements or rental space.

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SOURCES OF INFORMATION

Office of State Courts Administrator
Department of Corrections
Department of Social Services

A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive, flowing style.

Mickey Wilson, CPA
Director
March 3, 2010