

January 22, 2015

The Honorable John Rubin, Chairperson
House Committee on Corrections and Juvenile Justice
Statehouse, Room 151-S
Topeka, Kansas 66612

Dear Representative Rubin:

SUBJECT: Fiscal Note for HB 2015 by Joint Committee on Corrections and Juvenile Justice Oversight

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2015 is respectfully submitted to your committee.

HB 2015 would eliminate the option for a judge to commit a juvenile offender to a juvenile correctional facility when the crime of conviction, if committed by an adult, would constitute a misdemeanor. Under current law, a judge may impose a term of commitment in a juvenile correctional facility when a juvenile is convicted of a misdemeanor if the juvenile has two prior misdemeanor adjudications or one prior person or non-person felony adjudication and two placement failures. Current law may also allow judges to impose a term of commitment in a juvenile correctional facility if the juvenile has two prior drug severity level four or five felony adjudications and two placement failures.

Under HB 2015, all community placement options must be exhausted before a juvenile can be placed in a juvenile correctional facility for a misdemeanor conviction. Judges would be prevented from committing juvenile offenders to juvenile correctional facilities for present misdemeanor convictions regardless of the juvenile's criminal history or placement failures.

According to the Department of Corrections, HB 2015 could create savings if enough juveniles who are convicted of misdemeanors are diverted to other placement options instead of being committed to juvenile correctional facilities. The potential savings would come from removing certain facility beds from current capacity which would allow the Department to close a unit or area of a juvenile correctional facility. However, the precise fiscal effect of the bill is not known because it is difficult to estimate the number of juveniles who would be diverted from juvenile correctional facilities under the provisions of the bill. At an annual cost of approximately \$90,000 per juvenile, commitment to a secure juvenile correctional facility represents one of the most expensive placement options for youth.

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The Office of Judicial Administration indicates that one possible effect from the bill could be that, in some cases, prosecutors may be reluctant to allow juveniles to plead down felony charges to misdemeanors because juvenile correctional facility placement would not be an option. If this occurs, court staff could spend additional time processing and hearing these cases that might otherwise have resulted in plea agreements. However, it is not possible to predict how complex and time-consuming the cases would be. Therefore, a precise fiscal effect cannot be determined. Any fiscal effect associated with HB 2015 is not reflected in *The FY 2016 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Shawn Sullivan", with a horizontal line extending to the right.

Shawn Sullivan,
Director of the Budget

cc: Jeremy Barclay, DOC
Mary Rinehart, Judiciary