

Fiscal Estimate - 2011 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 11-3922/1	Introduction Number AB-0703	
Description The age at which a person who is alleged to have violated a criminal law, a civil law, or a municipal ordinance and who has not previously been adjudicated delinquent is subject to circuit court or municipal court rather than juvenile court jurisdiction		
Fiscal Effect State: <input type="checkbox"/> No State Fiscal Effect <input checked="" type="checkbox"/> Indeterminate <input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Create New Appropriations <input type="checkbox"/> Decrease Costs		
Local: <input type="checkbox"/> No Local Government Costs <input checked="" type="checkbox"/> Indeterminate 1. <input type="checkbox"/> Increase Costs 3. <input type="checkbox"/> Increase Revenue 5. Types of Local Government Units Affected <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities 2. <input type="checkbox"/> Decrease Costs 4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts		
Fund Sources Affected Affected Ch. 20 Appropriations <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS		
Agency/Prepared By DOC/ Dawn Woeshnick (608) 240-5417	Authorized Signature Melissa Roberts (608) 240-5055	Date 5/8/2012

Fiscal Estimate Narratives

DOC 5/8/2012

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Assumptions Used in Arriving at Fiscal Estimate

This bill increases from 17 to 18 the age at which a person would be subject to procedures and sentencing outlined in the adult criminal code, but only if the person has not previously been adjudicated delinquent. If the person is 17 years old and has previously been adjudicated delinquent, they would still be subject to procedures and sentencing outlined in the adult criminal code.

This change would mean that some 17 year olds currently admitted to county jails, state prisons, probation, parole, or extended supervision would instead be admitted to county secure detention facilities, state juvenile correctional institutions (JCI), or juvenile supervision provided by either the county or state. There is no way to estimate how future admission trends to the Department of Corrections (DOC) or Wisconsin counties will be impacted by this bill.

It is likely that the bill will result in an increase in the number of individuals who would be housed in county secure detention facilities, and a reduction in the number of individuals who would be housed in county jails. The cost to house a juvenile in a secure detention facility is approximately \$55,000 annually while the cost to house an adult in a county jail is approximately \$18,000 annually. Only 16 counties operate secure detention facilities, while 71 counties operate jails. Therefore, this bill may require some counties to transport 17 year olds to other counties in order to find available beds, resulting in significant increases to their transportation costs.

During FY10, DOC admitted 71 17 year olds to its adult prisons and 255 18 year olds. While this bill would likely cause a shift of population from adult prisons to JCIs, it is not possible to determine the size of the population that would be affected by this bill. The annual cost to house an inmate in state prison was \$33,500 in FY11, while the annual cost to house a juvenile in a JCI was \$146,900 in FY11.

In addition to a change in where incarcerated 17 year olds would be housed, there would be a change in how 17 year olds would be supervised while on probation, parole, and extended supervision. Currently, all adults under community supervision are supervised by state employees who are paid by state GPR funds. The only state supervision of people under 17 is for a very small number of juveniles placed on state aftercare or state corrective sanctions once they have completed a stay in a JCI. Counties do all the supervision for juveniles who would be considered to be on probation in the adult correctional system, and only 21 counties contract for state aftercare of their juveniles once they have completed a stay in a JCI.

Of the 2,268 17 and 18 year olds that were admitted to adult community supervision during FY10, only 26 were admitted on extended supervision or as parolees. The remaining population was on probation. As with state prison populations, it is not possible to determine the number of people that would be affected by this bill.

For FY11, the annual per capita cost to supervise an adult on probation, parole, or extended supervision was \$2,900 and a juvenile on state aftercare supervision was \$14,000. The cost for county supervision of a juvenile varies from county to county.

It is not possible to determine how many 17 year olds alleged to have violated a criminal law would have prior adjudications, or how courts would decide to sentence individuals under this bill. It is very likely there would be a reduction in county jail, state prison, and state adult community supervision populations as a result of this bill. This would result in a reduction to state GPR costs and state GPR FTE.

However, an increase in the populations of secure detention facilities, state juvenile correctional institutions, and state and county supervision populations would result in increases to state PR costs, state PR FTE, and county costs to pay for the higher costs associated with housing and supervising more juveniles.

The bill also allows dispositional orders to extend to a juvenile's 19th birthday or for two years, whichever is earlier. This would allow 17 year olds adjudicated as juveniles to remain in a JCI or under state or county juvenile supervision for up to two years, as is currently the case with most other juveniles. It could also lengthen dispositional orders for some juveniles adjudicated delinquent as 16 year olds, as those orders would currently terminate on the juvenile's 18th birthday, which could be less than two years. This could increase costs to the state and to counties, but it is not possible to estimate the amount.

Long-Range Fiscal Implications