

Fiscal Estimate Narratives

DOC 9/30/2013

LRB Number	13-3169/1	Introduction Number	SB-308	Estimate Type	Original
Description Age at which a person who is alleged to have violated a criminal law, a civil law, or a municipal ordinance and who is not alleged to have committed certain violent offenses or has not previously been convicted of a crime or adjudicated delinquent is subject to juvenile court jurisdiction					

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, or is not alleged to have committed certain violent offenses. If the person is 17 years-old and has previously been adjudicated delinquent or alleged to have committed a violent offense, 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, DOC correctional institutions, probation, or parole 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. If 17-year-olds were considered juveniles in criminal proceedings, an unknown number would be placed in secure detention facilities (e.g. for predisposition custody or short-term sanctions) instead of in jails. County jails and secure detention facilities are funded with county dollars. The cost to house a juvenile in a secure detention facility is approximately \$54,800 annually while the cost to house an adult in a county jail is approximately \$18,800 annually. Only 15 counties operate secure detention facilities, while 71 counties operate jails. Therefore, this bill will require many counties to transport 17-year-olds to other counties in order to find available beds, resulting in increases to their transportation costs.

During FY12, DOC had 65 17-year-old admissions to its adult correctional institutions and 239 18-year-old admissions. While this bill would likely cause a shift of population from adult institutions to JCIs, it is not possible to determine the size of the population that would be affected by this bill. The annual cost in FY12 to house an inmate in a DOC correctional institution is \$33,200. The annual cost to house a juvenile in a JCI is \$100,500 in FY12.

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 with state GPR funds and state employees. 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 1902 17 and 18 year olds that were admitted to adult community supervision during FY11, only 26 were admitted 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 FY12, the annual per capita cost to supervise an adult on probation or parole was \$2,900 and a juvenile on state aftercare supervision was \$15,700. 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. 17-year-olds would only be sent to juvenile corrections if they had no prior convictions, were not previously adjudicated delinquent, or if they had not committed certain violent offenses. 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