



## Fiscal Estimate Narratives

DCF 2/9/2016

LRB Number	15-0771/5	Introduction Number	SB-280	Estimate Type	Original
<b>Description</b> 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 been charged with certain violent offenses, and has not, after previously being convicted of a crime or adjudicated delinquent, been charged with a crime or alleged in a complaint or citation to have violated a civil law or municipal ordinance, is subject to juvenile court jurisdiction					

### Assumptions Used in Arriving at Fiscal Estimate

Under current law, all 17-year-olds are treated as adults for the purposes of criminal prosecution and cannot be tried in juvenile court. First time and low-level offenders are prosecuted in adult court and may be placed in adult jail and receive adult criminal records.

This bill raises the age, from 17 to 18, at which a person who is alleged to have violated a criminal law is subject to the procedures specified in the Criminal Procedure Code and, on conviction, to sentencing under the Criminal Code, if the person has not been charged with committing certain violent offenses and has not, after previously being convicted of a crime or adjudicated delinquent, been charged with a crime.

This bill would require 17-year-olds who have never been adjudicated delinquent in the past (first offenders) and who were alleged to have committed is a nonviolent crime be prosecuted in juvenile court, rather than adult court.

By shifting youth who are currently served through the adult system to the juvenile justice system, the bill will increase workload of juvenile justice workers in the county human services agencies, who will be responsible for case management of these youth. Because these youth will be served through the county-administered juvenile justice system, rather than the adult system, the bill will increase the services and out-of-home placements provided and funded by the county human services agencies.

The bill will have no fiscal effect on the Department; however, it will increase costs on the county human services system due to the increase in case management, services and out-of-home placements provided to these 17-year-olds, who are currently served through the adult system.

To determine the fiscal effect on the local agencies, the Department would need to complete an analysis of this data for all 72 counties. The data is kept by each local human services agency or sheriff's office, instead of in a central location, which makes determining the fiscal effect complicated. However, the impact on local agencies is likely to be significant.

The bill does not provide any additional funding resources to the counties to implement this change. Counties will need to identify and dedicate additional local dollars to provide services required under this bill. If counties are unable to raise local funds, counties will likely divert resources from other county-run services in order to implement the bill, which could negatively impact the quality of services for child welfare, juvenile justice and other human services.

### Long-Range Fiscal Implications