

**1999 DRAFTING REQUEST**

**Assembly Amendment (AA-AB133)**

Received: **05/28/99**

Received By: **malaigm**

Wanted: **Soon**

Identical to LRB:

For: **Legislative Fiscal Bureau 6-3953**

By/Representing: **Zimmerman**

This file may be shown to any legislator: **NO**

Drafter: **malaigm**

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Subject: **Children - delinquency**

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**Pre Topic:**

LFB:.....Zimmerman -

**Topic:**

Serious juvenile offender program (LFB paper #360)

**Instructions:**

See Attached--alternative 2 of LFB paper #360

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	malaigm 05/28/99	ygeller 05/28/99		_____			
/1			jfrantze 05/28/99	_____	lrb_docadmin 05/28/99		

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## Legislative Fiscal Bureau

One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873

May 27, 1999

Joint Committee on Finance

Paper #360

### **Serious Juvenile Offender Program (DOC -- Juvenile Corrections)**

[LFB 1999-01 Budget Summary: Page 179, #9 and Page 182, #17]

#### **CURRENT LAW**

The serious juvenile offender (SJO) appropriation reimburses juvenile correctional institutions, secured child caring institutions, alternate care providers, aftercare supervision providers and corrective sanctions supervision providers for costs incurred, beginning on July 1, 1996, for: (a) the care of any juvenile 14 years of age or over who has been adjudicated delinquent for an act that is equivalent to a Class A or B felony or a juvenile 10 years of age or older who has attempted or committed first-degree intentional homicide or has committed first-degree reckless or second-degree intentional homicide, and who has a disposition as a serious juvenile offender; (b) juveniles less than 16 years of age under the jurisdiction of the adult court and sentenced to state prison, but placed by DOC at a secured juvenile correctional facility or a secured child caring institution; (c) correctional services for juveniles adjudicated as violent juvenile offenders for certain offenses committed prior to July 1, 1996; and (d) juveniles under extended jurisdiction orders prior to July 1, 1996 who receive juvenile correctional services. A SJO disposition, under (a) above, may only be made if the judge finds that the only other disposition that would be appropriate is placement in a secured correctional facility. For a juvenile receiving a SJO disposition, the court is required to make the order apply for a period of five years if the adjudicated act was a Class B felony offense, or until the juvenile reaches 25 years of age if the adjudicated act was a Class A felony offense.

Base funding for the SJO appropriation totals \$10,813,200 GPR. The unencumbered balance of the appropriation on June 30 of each fiscal year is transferred to the appropriation for community youth and family aids (youth aids).

## GOVERNOR

Project the following average daily populations for the serious juvenile offender (SJO) appropriation, including SJO juveniles, violent juvenile offenders (VJO) and extended jurisdiction (EJ) juveniles, in the 1999-01 biennium:

Type of Care	SJO		VJO		EJ	
	1999-00	2000-01	1999-00	2000-01	1999-00	2000-01
Secured Correctional Facilities	122	122	0	0	26	19
Corrective Sanctions Program	26	45	1	0	5	4
Aftercare Supervision	<u>26</u>	<u>45</u>	<u>0</u>	<u>0</u>	<u>5</u>	<u>3</u>
Total ADP	174	212	1	0	36	26
Alternate Care*	26	44	0	0	0	0

\*Includes child caring institutions and group homes and are a subset of aftercare supervision.

Convert the appropriation for serious juvenile offenders from an annual to a biennial appropriation. Provide that the unencumbered balance of the appropriation on June 30 of the second year in each fiscal biennium be transferred to the appropriation for community youth and family aids (youth aids).

## DISCUSSION POINTS

1. No additional funding is provided under the bill for the SJO appropriation, although the population projections and daily rates for care under the bill vary from those used to calculate 1998-99 base-level funding.

2. In this paper, the populations under the bill are reestimated to reflect more recent data (actual populations through February, 1999). One factor in the reestimate is that SJO juveniles placed in either corrective sanctions or aftercare supervision total 41 through February, 1999. This reflects a trend of increasing community placements of SJO juveniles who have completed their stay in secured correctional facilities. This trend is projected to continue and, based on these placement patterns, ADP for corrective sanctions and aftercare supervision need to be estimated at higher levels than under the bill. This increasing community population should also cause secured correctional facility populations to drop back slightly from the February, 1999, total of 109 juveniles. These reestimates result in the following population projections for juveniles funded from the SJO appropriation.

<u>Type of Care</u>	<u>SJO</u>		<u>VJO</u>		<u>EJ</u>	
	<u>1999-00</u>	<u>2000-01</u>	<u>1999-00</u>	<u>2000-01</u>	<u>1999-00</u>	<u>2000-01</u>
Secured Correctional Facilities	101	105	0	0	26	19
Corrective Sanctions Program	49	73	1	0	5	4
Aftercare Supervision	<u>49</u>	<u>73</u>	<u>0</u>	<u>0</u>	<u>5</u>	<u>3</u>
Total ADP	199	251	1	0	36	26
Alternate Care*	49	73	0	0	0	0

3. Based on these population estimates and the daily rates for each type of juvenile care, funding for the serious juvenile offender appropriation requires modification. This correction would provide \$1,372,200 GPR in 1999-00 and \$3,637,500 GPR in 2000-01. With this modification, SJO expenditure authority would total \$12,185,400 in 1999-00 and \$14,450,700 in 2000-01. This increase was among the GPR adjustments brought to the Committee's attention in the Fiscal Bureau letter to the Committee's Co-chairs, dated May 11, 1999.

4. The provision under the bill to change the SJO appropriation to a biennial appropriation is intended to provide Corrections with greater flexibility in meeting expenditure obligations in either year of the biennium and remove the need to submit a request under s. 13.10 in the first year if the appropriated amount is not sufficient in that year. SJO populations are difficult to estimate and unexpected variations are to be expected. Setting the correct appropriation amount in each year is, therefore, problematic. In addition, the care and treatment of SJO juveniles is a legal obligation of the state and Corrections must make the necessary expenditures. In light of these factors, the change to a biennial appropriation appears to be justified.

5. The current law provision that transfers any unencumbered balance of the SJO appropriation (on June 30 of each fiscal year under current law and at the end of the biennium under the bill) to the youth aids appropriation could be reconsidered by the Committee. This provision was enacted under the 1997-99 biennial budget act (1997 Act 27) and would allow any surplus SJO funds to be provided as a supplemental distribution to counties. The provision was intended to respond to county concerns that youth aids were reduced in 1996-97 by \$10.2 million to help pay for the SJO program, but program expenditures were less than this amount in the initial years of the program. SJO expenditures totaled \$6.8 million in 1996-97, \$7.9 million in 1997-98 and are projected to total \$9.4 million in 1998-99.

6. The SJO appropriation is projected to expend \$12,185,400 in 1999-00 and \$14,450,700 in 2000-01. In addition, it is expected that SJO expenses will continue to increase in subsequent years. It appears that county concerns that the youth aids reduction was excessive compared to SJO costs are no longer supported. It could be argued that any future surpluses in the appropriation should lapse to the general fund and not to youth aids.

**MODIFICATION TO BASE**

1. Provide \$1,372,200 in 1999-00 and \$3,637,500 in 2000-01 for the serious juvenile offender appropriation to reflect revised population projections and daily rates in the 1999-01 biennium.

<u>Modification</u>	<u>GPR</u>
1999-01 FUNDING (Change to Base) <i>[Change to Bill]</i>	\$5,009,700 <i>\$5,009,700]</i>

**ALTERNATIVES TO BASE**

1. Approve the Governor's recommendation to convert the SJO appropriation for serious juvenile offenders from an annual to a biennial appropriation with the unencumbered balance of the appropriation on June 30 of the second year in each fiscal biennium to be transferred to the appropriation for ~~community youth and family aids~~

2. Approve the Governor's recommendation to convert the SJO appropriation for serious juvenile offenders from an annual to a biennial appropriation, but deny the provision to transfer the unencumbered balance of the appropriation on June 30 of the second year in each fiscal biennium to the appropriation for community youth and family aids. Repeal the current law provision that the unencumbered balance of the serious juvenile offender appropriation on June 30 of each fiscal year be transferred to the appropriation for community youth and family aids.

Prepared by: Art Zimmerman



State of Wisconsin  
1999 - 2000 LEGISLATURE

Soon

LRBb0459/10  
GMM.....  
jlg

LFB:.....Zimmerman – Serious juvenile offender program (LFB paper #360)

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

**LFB AMENDMENT**

**TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45**

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 415, line 12: delete lines 12 to 22 and substitute:

3 “SECTION 364d. 20.410 (3) (cg) of the statutes is amended to read:

4 20.410 (3) (cg) *Serious juvenile offenders.* ~~The~~ Biennially, the amounts in the  
5 schedule for juvenile correctional institution, corrective sanctions, alternate care,  
6 aftercare and other juvenile program services specified in s. 938.538 (3) provided for  
7 the persons specified in s. 301.26 (4) (cm), for juvenile correctional institution  
8 services for persons placed in juvenile correctional institutions under s. 973.013 (3m)  
9 and for juvenile correctional services for persons under 18 years of age placed with  
10 the department under s. 48.366 (8). ~~Notwithstanding s. 20.001 (3) (a), the~~

1 ~~unencumbered balance of this appropriation account on June 30 of each fiscal year~~

2 ~~is transferred to the appropriation account under par. (cd)."~~ ↓

History: 1989 a. 31 ss. 340, 361 to 380, 382 to 392; 1989 a. 107, 122, 359; 1991 a. 39; 1993 a. 16, 98, 377, 437, 490; 1995 a. 27, 77, 416, 440; 1997 a. 4, 27, 35, 237, 252, 275, 283, 284.

3

(END)





State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBb0459/1  
GMM:jlj:jf

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1 ~~unencumbered balance of this appropriation account on June 30 of each fiscal year~~  
2 ~~is transferred to the appropriation account under par. (cd).”.~~

3 (END)