

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
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FISCAL IMPACT STATEMENT

LS 7219

BILL NUMBER: SB 385

DATE PREPARED: Jan 3, 2002

BILL AMENDED:

SUBJECT: Juvenile Sentencing.

FISCAL ANALYST: Mark Goodpaster

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**FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL**

IMPACT: State & Local

Summary of Legislation: This bill has the following provisions:

- (A) It provides that juvenile law applies to children at least 16 years of age who are alleged to have committed a misdemeanor traffic offense.
- (B) It eliminates provisions that provide that juvenile law does not apply to children who have previously been waived to adult court.
- (C) It limits mandatory waiver to adult court to juveniles at least 16 years of age who are alleged to have committed: (1) murder; (2) kidnapping; (3) rape; (4) criminal deviate conduct; or (5) robbery.
- (D) It repeals a mandatory waiver provision for certain children with a previous conviction.

Effective Date: July 1, 2002.

Explanation of State Expenditures: Provision C: The Department of Correction (DOC) reports that on November 30, 2001, 54 male offenders under the age of 18 were confined as adults in DOC facilities. Of these 54 offenders, 7 had one of the offenses listed in the table below as their most serious offense.

Offenders under 18 Incarcerated in Adult Facilities for Offenses That Would No Longer Be Eligible for Automatic Waiver to Adult Court			
<u>Felony Level</u>	<u>Offense</u>	<u>Code Cite</u>	<u>Number of Offenders</u>
A	Dealing Cocaine	IC 35-48-4-1	1
A	Conspiracy to Deal Cocaine	IC 35-48-4-1	1
B	Dealing Cocaine	IC 35-48-4-1	3
C	Firearm w/in 1 Mile of School	IC 35-47-2-1	1
D	Gang Activity	IC 35-45-9-3	<u>1</u>
	Total		7

If these offenders were not waived from juvenile court, they would be sentenced to either a juvenile detention facility in a county or a facility for juvenile offenders that is operated by the Department of Correction.

The average expenditure to house an offender in an adult facility was \$22,131 in FY 2000. Individual facility expenditures ranged from \$16,442 to \$40,312. For offenders sentenced to a juvenile facility operated by DOC, the average FY 2000 cost was \$44,541. Half of the cost of housing juvenile offenders – \$22,270 – is paid by the counties in which the courts sentenced these juveniles (IC 11-10-2-3) and half by the state.

Explanation of State Revenues: Provision A: Both the court fees for adult misdemeanor and juvenile cases are \$120. Consequently, no change would occur in the amount of revenue that would result from shifting juvenile traffic cases from adult misdemeanor court to juvenile court. The state General Fund receives 70% of the court fee when a guilty verdict is entered.

Explanation of Local Expenditures: Provision A would shift traffic cases for defendants under the age of 18 from adult court to juvenile court. This might require a shift in resources from adult traffic court to juvenile court if a significant number of cases are involved. (This portion of the fiscal note will be updated if additional information becomes available from the Bureau of Motor Vehicles on the potential number of cases.)

Provision C: (See *Explanation of State Expenditures.*) Counties from which juveniles are committed to DOC facilities reimburse the state for half of the per diem cost of a juvenile facility operated by DOC (IC 11-10-2-3). The cost of a juvenile detention facility varies by county. As of December 4, 2001, 21 counties had juvenile detention facilities.

Explanation of Local Revenues: Provision A: (See *Explanation of State Revenues.*) Local government general funds receive 30% of the court fee when a guilty verdict is entered.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial Courts.

Information Sources: Department of Correction.