

**COMMONWEALTH OF KENTUCKY STATE FISCAL NOTE STATEMENT
LEGISLATIVE RESEARCH COMMISSION
2017 REGULAR SESSION**

MEASURE

2017 BR NUMBER **0096**

SENATE BILL NUMBER **20 SCS1**

RESOLUTION NUMBER _____

AMENDMENT NUMBER _____

SUBJECT/TITLE **An ACT relating to juvenile justice.**

SPONSOR **Senator Westerfield**

NOTE SUMMARY

FISCAL ANALYSIS: IMPACT NO IMPACT INDETERMINABLE IMPACT

LEVEL(S) OF IMPACT: STATE LOCAL FEDERAL

BUDGET UNIT(S) IMPACT: **Cabinet for Health and Family Services, Department of Public Advocacy, Department of Education, Unified Prosecutorial System**

FUND(S) IMPACT: GENERAL ROAD FEDERAL RESTRICTED AGENCY _____ OTHER

FISCAL SUMMARY

FISCAL ESTIMATES	2016-2017	2017-2018	ANNUAL IMPACT AT FULL IMPLEMENTATION
REVENUES		Indeterminable	Indeterminable
EXPENDITURES		Indeterminable	Indeterminable
NET EFFECT		Indeterminable	Indeterminable

() indicates a decrease/negative

MEASURE’S PURPOSE: SB 20 SCS 1 establishes a statewide repository for data and analysis from various agencies across the Commonwealth that deal directly with at-risk youth. These reports, submitted quarterly and annually, will address differential treatment involving youth within the juvenile justice and school disciplinary systems as well as those placed out of home, and/or receiving services for, mental illness or developmental or intellectual disabilities from the Cabinet for Health and Family Services (CHFS).

Other provisions within SB 20 SCS 1 enable various state agencies to implement a broader scope of professional development programs regarding interaction with and responsibility of identified at-risk youth. Lastly, this legislation clarifies diversion agreements and the steps that a court-designated worker and county attorney should take when analyzing individual cases.

PROVISIONS/MECHANICS: Sections 1 through 4, 7, and 9 establish new quarterly and annual reporting requirements and parameters for various agencies to the Criminal Justice Statistical Analysis Center, Juvenile Justice Advisory Board, and Juvenile Justice Oversight Council. Differing effective dates are established for each of the agencies affected.

Sections 3, 5, 6, 9, 11, and 16 require various agencies to establish, develop, implement, and/or expand various training or professional development programs related to their contact and/or responsibility of at-risk youth.

Sections 7, 8, 10, and 13 amend statutes for the reporting of additional information in existing assessments across state agencies.

Section 12 amends KRS 17.110 to require all enforcement agencies to advise the appropriate school district when a child is taken into custody or has a complaint filed against them for acts committed on school property or at school functions.

Section 14 amends KRS 15A.220 to require secure juvenile detention facilities to report, on a monthly basis, to DJJ specific data on children under supervision.

Sections 15, 18, and 25 amend statutes to conform, clarify, and update language and definitions.

Section 17 amends KRS 610.030 to require court-designated workers to refer children, during preliminary intake inquiries in which a status offense is committed, to the family accountability, intervention, and response (FAIR) team. This section also includes language to clarify diversion agreements.

Section 19 amends KRS 635.010 to specify that a youth who is detained pursuant to KRS 610.265, who has no prior adjudications or diversions, shall be offered a diversion agreement if the complaint is a misdemeanor or Class D felony. Finally, a new subsection is created in this statute to have the court return the complaint to the court-designated worker, if a child is eligible for mandatory diversion, to make said diversion or informally adjust the action.

Section 20 amends KRS 635.060 to clarify language and make provisions for the court for the disposition of public offender cases.

Sections 21 through 24 make conforming amendments to statutes in KRS Chapter 610 regarding runaway language.

Section 26 amends KRS 630.070 to include provisions that detention of a child who violates a valid court order cannot exceed 30 days.

Section 27 amends the definition of “state agency children” in KRS 158.135 to include children referred by the FAIR team or the county attorney and admitted to a DJJ day treatment program.

Section 28 amends KRS 15.280 to have the Criminal Justice Statistical Analysis Center provide recommendations through the Secretary of the Justice Cabinet, clarifies the function of the center, and makes information and record copies provided by the center exempt from the Kentucky Open Records Act.

Section 29 repeals KRS 610.012.

FISCAL EXPLANATION: The quarterly and annual reporting requirements established in SB 20 SCS 1 pose no additional costs to some agencies because the provisions establish new criteria for information that, for the most part, is already being gathered by many of these agencies. Training requirements across the various agencies may pose increased staff hours; however, unless addressed in the below analysis most training costs will remain net neutral.

Cabinet for Health and Family Services

Section 9 requires CHFS to establish professional development programs for all staff who interact with or who are responsible for the treatment of children. CHFS has indicated that SB 20 PSS 1 could pose additional costs, in the form of additional staff, to develop, implement, and maintain a training program.

Kentucky Department of Education

Sections 4 and 5 create new responsibilities for KDE. In Section 4, the 3 year plan to address differential treatment within school disciplinary systems and referrals will require additional resources for KDE to develop and maintain ongoing review, analysis, and updates of the plan. It is anticipated that the additional resources will cost the state no less than \$35,000-\$50,000 annually and is related to additional staffing.

Section 5 requires KDE to have professional development programs for all certified personnel, school resource officers, and school security officers. Traditionally, KDE does not develop professional development modules as they are usually developed at the local school district level. Under the provisions of SB 20 PSS 1, the agency would shoulder the responsibility of developing, implementing, and maintaining these programs. It is anticipated to cost the state no less than \$50,000 annually for staff and then an additional \$50,000 for outside expertise to develop the training.

Section 27 increases the number of children classified as “state agency children” but, on its own, does not increase costs to KDE. However, Kentucky Educational Collaborative for State Agency Children (KECSAC) funding is a line-item within KDE’s budget and is divided among students in the program essentially on a pro rata basis. Increasing the number of students in the program may affect the amount to each student, but barring an appropriations increase would not affect KDE’s expenditures.

The overall impact of SB 20 SCS 1 is indeterminable. Although the Unified Prosecutorial System (UPS) and Department of Public Advocacy (DPA) may see a reduction in juvenile caseload there are other factors that need to be considered within the scope of this legislation. The addition of new reporting features, training requirements, and increased burden on agency resources also need to be considered.

Please note that successful diversion of juveniles is ultimately contingent on the participation of all agencies and being sufficiently funded to meet the mandates of this legislation.

DATA SOURCE(S): LRC Staff, AOC, DOCJT, KDE, DJJ, DPA

PREPARER: Zach Ireland, Seth Dawson, Jonathan Eakin, Jake Fouts, Chuck Truesdell, and Savannah Wiley **NOTE NUMBER: 133** **REVIEW: JRS** **DATE: 2/24/2017**