

**COMMONWEALTH OF KENTUCKY FISCAL NOTE STATEMENT  
LEGISLATIVE RESEARCH COMMISSION  
2021 REGULAR SESSION**

**MEASURE**

2021 BR NUMBER 1

SENATE BILL NUMBER 36/GA

**TITLE** AN ACT relating to juvenile justice.

**SPONSOR** Senator Whitney Westerfield

**FISCAL SUMMARY**

STATE FISCAL IMPACT:  YES  NO  UNCERTAIN

OTHER FISCAL STATEMENT(S) THAT MAY APPLY:  ACTUARIAL ANALYSIS  
 LOCAL MANDATE  CORRECTIONS IMPACT  HEALTH BENEFIT MANDATE

APPROPRIATION UNIT(S) IMPACTED: Department of Corrections

FUND(S) IMPACTED:  GENERAL  ROAD  FEDERAL  RESTRICTED \_\_\_\_\_

FISCAL ESTIMATES	2020-2021	2021-2022	ANNUAL IMPACT AT FULL IMPLEMENTATION
REVENUES			
EXPENDITURES		(Indeterminable - Minimal)	(Indeterminable - Minimal)
NET EFFECT		Indeterminable - Minimal	Indeterminable - Minimal

( ) indicates a decrease/negative

**PURPOSE OF MEASURE:** SB 36/GA removes the mandatory transfer of juvenile cases to Circuit Court in cases of a firearm being used in the commission of an offense, modifies existing statute to clarify that the firearm was used by the child, and amends the existing factors considered during preliminary hearings determining the transfer of a child to Circuit Court to include serious intellectual disability and if a firearm was used in the commission of the offense.

**FISCAL EXPLANATION:** SB 36/GA is anticipated to have an indeterminable, minimal fiscal impact on the Department of Corrections (DOC). While impacted youth will still be committed to Department of Juvenile Justice which would be consistent with current procedures, by removing the mandatory transfer of youth to Circuit Court, juveniles in some instances may not be tried as adults and could subsequently not be transferred to the DOC upon attainment of 18 years of age.

Modifications to existing statute to clarify that a firearm was used by the child in the commission of the offense and expanding the factors to be utilized during preliminary hearings could decrease the number of youth who would be transferred to Circuit Court under current law. By removing automatic transfer language it could lead to fewer juveniles being adjudicated as adults

in Circuit Court. While the number of instances is indeterminable, it is not anticipated to be many. The overall fiscal impacts related to the transfer of a juvenile at the age of eighteen to the custody of DOC will vary depending upon the offense; however, the existing average incarceration costs for DOC range between \$37.35/day or \$13,600 annually, for state inmates housed in local county jails, to \$80.24/day or \$29,300 annually, for state inmates housed in a state prison facility.

There is no anticipated fiscal impact for the Judicial Branch for the modifications made within SB 36/GA.

**DATA SOURCE(S): Department of Corrections, Department of Juvenile Justice, and Administrative Office of the Courts**

**PREPARER: Savannah Wiley NOTE NUMBER: 113 REVIEW: JAB DATE: 3/15/2021**