



Senate Fiscal Agency
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BILL ANALYSIS

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Senate Bill 84 (as introduced 2-5-19)
Senate Bills 90, 91, 94, and 96 through 99 (as introduced 2-7-19)
Sponsor: Senator Curtis S. VanderWall (S.B. 84)
Senator Peter J. Lucido (S.B. 90)
Senator Michael D. MacDonald (S.B. 91)
Senator Jeff Irwin (S.B. 94)
Senator Adam Hollier (S.B. 96)
Senator Curtis Hertel, Jr (S.B. 97)
Senator Marshall Bullock II (S.B. 98)
Senator Ruth Johnson (S.B. 99)

Committee: Judiciary and Public Safety

Date Completed: 3-6-19

CONTENT

Senate Bill 84 would amend the Michigan Indigent Defense Commission Act to revise the definition of "adult".

Senate Bills 90 would amend the juvenile code to revise the definition of "adult" to refer to 18, instead of 17, years of age.

Senate Bill 91 would amend the Code of Criminal Procedure to do the following:

- Eliminate provisions relating to the confinement of a juvenile who has committed a felony, or whose habits or conduct are considered menacing to other children.
- Allow a court, upon motion, to order a juvenile or individual less than 18, instead of 17, years of age to be confined as otherwise provided by law.

Senate Bill 94 would amend Chapter 10 (Criminal Provisions) of the Mental Health Code to revise the definition of "juvenile" to refer to a person who was under 18, instead of 17, years of age who was the subject of a delinquency petition.

Senate Bill 96 would amend the Michigan Penal Code to do the following:

- Prohibit a child under 18, rather than 16, years of age, while under arrest, confinement, or conviction, from being placed in a place of confinement or transported with an adult who has been charged or convicted of a crime.
- Eliminate an exception for prisoners being transported to or from, or confined in, a youth correctional facility.

Senate Bill 97 would amend the juvenile code to do the following:

- Prohibit a child under 18 years of age from being held in a jail or detention facility for adults, but allow him or her to be held in a detention facility for juveniles.

- **Modify provisions relating to the custody of a juvenile for violation of a personal protection order (PPO).**
- **Prohibit a juvenile under 18 years of age taken into custody from being confined with or transported with criminal or dissolute people.**
- **Delete a provision that allows a court to order the detention of a juvenile 15 years of age or older if he or she exhibits menacing conduct or habits.**
- **Delete language that allows a juvenile over 17 years of age within a court's jurisdiction to be boarded in the county jail if separated from adult criminals.**
- **Specify that a juvenile could not be confined in a jail or prison for a conviction of an offense for which he or she was tried as an adult until he or she was 18 years of age.**
- **Delete a provision allowing the incarceration of a juvenile for up to 30 days for a probation violation.**

Senate Bill 98 would amend the Code of Criminal Procedure to do the following:

- **Modify a provision pertaining to filing a juvenile petition to refer to if a child under 18, instead of 17, were arrested.**
- **Delete a provision allowing a court to transfer a case to family court, while a criminal case against a child is pending in a court other than a family court, if it is determined that the child is 17 and certain conditions exist.**

Senate Bill 99 would amend the Code of Criminal Procedure to modify provisions pertaining to a PPO issued to enjoin domestic violence or stalking to refer to an individual who was 18, instead of 17.

Senate Bills 96 and 97 are tie-barred to each other, and both bills are tie-barred to Senate Bill 91. Senate Bill 99 is tie-barred to Senate Bills 84, 90, 91, 94, and 98. Senate Bills 84 and 96 would take effect 90 days after their enactment. Senate Bill 92 would take effect on October 1, 2019. Senate Bills 90, 91, 94, 98, and 99 would take effect on January 1, 2021.

The bills, except Senate Bill 94, are described in greater detail below.

Senate Bill 84

The Michigan Indigent Defense Commission Act created the Michigan Indigent Defense Commission, and requires it to propose minimum standards, rules, and procedures for the delivery of indigent criminal defense services providing effective assistance of counsel to indigent adults throughout Michigan.

The Act requires all adults, except those with retained counsel or those who have made an informed waiver of counsel, to be screened for eligibility for indigent criminal defense services. It also requires counsel to be assigned as soon as an indigent adult is determined to be eligible.

"Adult" means either of the following: 1) an individual 17 years of age or older; or 2) an individual less than 17 years of age at the time of the commission of a felony if any of the following conditions apply:

- During consideration of a petition filed under Section 4 of the juvenile Code to waive jurisdiction to try the individual as an adult and upon granting a waiver of jurisdiction.
- The prosecuting attorney designates the case under Section 2d(1) of the juvenile Code as a case in which the juvenile is to be tried in the same manner as an adult.

- During consideration of a request by the prosecuting attorney under Section 2d(2) of the juvenile Code that the court designate the case as one in which the juvenile is to be tried in the same manner as an adult.
- The prosecutor authorizes the filing of a complaint and warrant for a specified juvenile violation under Section 1f of the Code of Criminal Procedure.

Under the bill, "adult" would mean either of the following: 1) an individual who was 18 years of age or older; or 2) an individual who was under 18 at the time a felony was committed if any of the conditions listed above applied.

(Under Section 4 of the juvenile Code, if a juvenile 14 years old or older is accused of an act that would be a felony if committed by an adult, the family court judge may waive jurisdiction to a court having general criminal jurisdiction, upon motion of the prosecuting attorney.

Section 2d(1) allows the prosecuting attorney to designate a case as one in which the juvenile is to be tried as an adult, and request the family court to make this designation, if a petition alleges that a juvenile is within the court's jurisdiction for a "specified juvenile violation".

Section 2d(2) allows the prosecuting attorney to designate a case as one in which the juvenile is to be tried as an adult, and request the family court to make this designation, if a petition alleges that a juvenile is within the court's jurisdiction for an offense other than a specified juvenile violation.

Under Section 1f of the Code of Criminal Procedure, if the prosecuting attorney believes that a juvenile aged 14 or older has committed a specified juvenile violation, the prosecuting attorney may authorize the filing of a complaint with a magistrate.)

Senate Bill 90

The juvenile code defines a "juvenile" as a person who is less than 17 years of age who is the subject of a delinquency petition. Under the bill, the term would mean a person who is under 18 and is the subject of a petition.

Under the code, while a criminal charge against a person is pending, if it is ascertained that he or she was under the age of 17 at the time the offense was committed, the court must transfer the case without delay to the family court. Under the bill, that provision would apply if it were ascertained that the person was under 18 at the time of the offense.

The code specifies that if a juvenile reaches his or her 17th birthday after a juvenile petition is filed, the family court's jurisdiction continues and the court may hear and dispose of the petition under the Code. Under the bill, the family court's jurisdiction would continue if the juvenile turned 18 after a juvenile petition was filed.

When a petition is authorized, the court must examine the court file to determine if a juvenile has had his or her fingerprints taken. If they have not been taken, the court must order either of the following:

- Order the juvenile to submit himself or herself to the police agency that arrested or obtained the warrant for the juvenile's arrest so his or her fingerprints can be taken.
- Order the juvenile committed to the sheriff's custody for taking his or her fingerprints.

The bill would refer to "biometric data", instead of "fingerprints".

Senate Bill 91

Under the Code of Criminal Procedure, a juvenile, other than a juvenile under 17 confined for committing a felony, may not be confined in a police station, prison, jail, lock-up, or reformatory, or be transported with, or compelled or permitted to associate or mingle with, a criminal person while awaiting trial. A juvenile whose conduct or habits are considered a menace to other children, or who may not otherwise be safely detained, may be placed in a jail or other place of detention for adults, but in a room or ward out of sight and sound from adults.

The bill would eliminate the provision under which a juvenile may be placed in a jail or other place of detention for adults. The bill also would delete provisions that allow a juvenile under 17 to be confined in jail pending trial as an adult for a felony if the juvenile is held separately from adult prisoners.

The Code allows a court, upon motion of a juvenile less than 17 years old who is subject to confinement for the commission of a felony, for good cause shown, to order the juvenile to be confined as otherwise provided by law. Under the bill, this language would apply to a juvenile less than 18 years old who was subject to confinement.

Senate Bill 96

The Penal Code specifies that, except for prisoners being transported to or from, or confined in a youth correction facility, a child under 16 years of age while under arrest, confinement, or conviction for a crime, may not be placed in an apartment or cell of a prison or place of confinement with an adult who is under arrest, confinement, or conviction for a crime, or be permitted to remain in a courtroom during the trial of adults, or be transported in a vehicle in company with adults charged with or convicted of a crime.

Under the bill, this provision would apply to a child under the age of 18. The bill would delete the exception pertaining to prisoners being transported to or from, or confined in a youth correction facility. The bill also would delete the provision under which juveniles may not be permitted to remain in a courtroom during the trial of an adult.

The Code requires all cases involving the commitment or trial of children under 16 years of age for a crime or misdemeanor, before any court, to be heard and determined by the court at a suitable time, designated by it, separate and apart from the trial of other criminal cases. Under the bill, this provision would apply to cases involving the commitment or trial of children under 18 years of age.

A person who violated these provisions would be guilty of a misdemeanor, as the Code currently prescribes.

Senate Bill 97

Detention of Child Taken into Custody

The juvenile code allows a local police officer, sheriff or deputy sheriff, State Police officer, county agent or probation officer of any court, without a court order, to take into custody a child who is found violating a law or ordinance, or for whom there is reasonable cause to believe is violating or has violated a PPO. The officer who takes the child into custody must attempt to notify the parent, guardian, or custodian.

While awaiting the arrival of the parent, guardian, or custodian, a child under the age of 17 taken into custody may not be held in a detention facility unless he or she is completely isolated so as to prevent any verbal, visual, or physical contact with an adult prisoner.

Under the bill, instead, a child under the age of 18 could not be held in a jail or any other detention facility for adults but could be held in a detention facility for juveniles, while awaiting the arrival of a parent, guardian, or custodian.

Custody of Certain Children

A child taken into custody under Section 2(a)(2) to (4) of the code, or for running away from home, may not be detained in a secure facility designed to physically restrict the movements and activities of alleged or adjudicated juvenile offenders unless the court (the Family Division of Circuit Court) finds that the child willfully violated a court order and that there is not a less restrictive alternative more appropriate to the child's needs. The bill would delete language specifying that this provision does not apply to a child under the jurisdiction of the court for having violated a municipal ordinance, State law, or Federal law, or a child at least 17 years old and under the jurisdiction of the court pursuant to a supplemental petition for a PPO.

(Section 2(a) generally provides for the circumstances under which the family court has exclusive original jurisdiction in proceedings concerning juveniles under 17 years of age who are found within the county. Sections 2(a)(2) to 2(a)(4) specify that the family court has exclusive original jurisdiction in proceedings concerning a minor who has deserted his or her home without sufficient cause and has refused alternative placement, a minor who is repeatedly disobedient to a parent's or guardian's reasonable commands, or a minor who willfully and repeatedly absents himself or herself from school or other learning programs or repeatedly violates rules and regulations of the school or learning program.)

Under the code, a child taken into custody as described above may not be detained in a cell or other secure area of a secure facility designed to incarcerate adults unless a) the child is under the court's jurisdiction for having violated a municipal ordinance, State law, or Federal law which, if committed by an adult, would be a felony; or b) the child is at least 17 years old and under the court's jurisdiction under a supplemental petition for a PPO. The bill would eliminate the first exception and would apply the second to a child who was at least 18 years of age.

Detention & Care of Juveniles

Currently, under the code, if a juvenile under the age of 17 is taken into custody or detained, the juvenile may not be confined in a police station, prison, jail, lock-up, or reformatory or transported with, or permitted to associate with criminal or dissolute people. The bill, instead, would refer to a juvenile under the age of 18.

The code allows the court to order, under certain circumstances, a juvenile 15 years of age or older whose conduct is considered a menace to other juveniles, or who may not otherwise be safely detained, placed in a jail for adults, but separated from adults and for not more than 30 days, unless a longer detention is necessary. The bill would delete this provision.

The code also allows the county board of commissioners in each county or of counties contracting together to provide for the diagnosis, treatment, care, training, and detention of juveniles in a child care home or facility if it meets various licensing standards. The court or a court-approved agency may arrange for the boarding of juveniles in any of the following:

- If a juvenile is within the court's jurisdiction under the code, a suitable foster care home subject to the court's supervision.
- A child caring institution or child placing agency licensed by the Department of Licensing and Regulatory Affairs to receive juveniles within the court's jurisdiction.

The court or court-approved agency also may arrange for the boarding of a juvenile in the county jail if the juvenile is over 17 years of age, and is boarded in a room or ward separate and apart from adult criminals. The bill would delete this option.

Orders of Disposition

Under Section 18 of the code, if the court finds that a juvenile concerning whom a petition is filed is not within code, the court must enter an order dismissing the petition. Except as otherwise provided, if the court finds that a juvenile is within the code, it must order the juvenile returned to his or her parent if his or her return would not cause a substantial risk of harm to the juvenile or society. The court also may enter an order of disposition that is appropriate for the welfare of the juvenile and society, including an order to commit the juvenile to a public institution, the Department of Health and Human Services, or other facility or agency, subject to the code's requirements.

The bill would delete a provision allowing a court to commit a child to a county jail within the adult population if he or she is at least 17 years of age and is in violation of a PPO.

If a court entered a judgment of conviction under Section 2d of the code, it may enter any disposition listed under Section 18 or, if the best interests of the public would be served, impose any sentence upon the juvenile that could be imposed upon an adult convicted of the offense for which the juvenile was convicted. Under the bill, this would apply except that a juvenile could not be confined in a jail or prison until he or she was 18 years of age. (Section 2d governs the procedure for trying a juvenile as an adult for a "specified juvenile violation".)

If a juvenile placed on probation under an order of disposition delaying imposition of sentence is found by the court to have violated probation, other than by having been convicted of a felony or a misdemeanor, the court may impose sentence or order any of the following for the juvenile:

- A change of placement.
- Community service
- Substance abuse counseling.
- Mental health counseling.
- Participation in vocational-technical education program.

Instead of "substance abuse counseling", the bill would refer to "substance use disorder counseling".

A court also may order incarceration in a county jail for not more than 30 days as provided in the juvenile Code. If a juvenile is under 17 years of age, the juvenile must be placed in a room or ward out of sight and sound from adult prisoners. The bill would delete this provision.

Senate Bill 98

Filing of a Juvenile Petition

Under the Code of Criminal Procedure, except as otherwise provided under Section 606 of the Revised Judicature Act, if a child under 17 years of age is arrested, he or she must be taken

immediately before the Family Division of Circuit Court of the county where the offense is alleged to have been committed, and the officer making the arrest immediately must file a juvenile petition as provided in the juvenile code or cause a juvenile petition to be filed. Under the bill, that provision would apply if a child who was under 18 were arrested.

(Section 606 of the Revised Judicature Act gives the circuit court jurisdiction to hear and determine a "specified juvenile violation", if committed by a juvenile who is 14 or older.)

Transfer to Family Court

Under the Code, while a criminal case against a child in a court of record other than the family court is pending, if it is determined that the child is 17 and certain conditions exist as outlined in Section 2(d) of the juvenile code, the court may transfer the case to the family court. The bill would delete that provision.

(Under Section 2(d), the family court has concurrent jurisdiction if it finds that voluntary services have been exhausted or refused, and the proceedings concern a juvenile between the ages of 17 and 18 to whom one or more of the following apply:

- He or she is repeatedly addicted to the use of drugs or the intemperate use of alcohol.
- He or she repeatedly associates with criminal, dissolute, or disorderly persons.
- He or she is found of his or her own free will and knowledge in a house of prostitution, assignation, or ill-fame.
- He or she repeatedly associates with thieves, prostitutes, pimps, or procurers.
- He or she is willfully disobedient to the reasonable and lawful commands of his or her parents, guardian, or other custodian and is in danger of becoming morally depraved.)

Senate Bill 99

The Code of Criminal Procedure allows a peace officer to make an arrest without a warrant if he or she has, or receives positive information that another peace officer has, reasonable cause to believe that a person has violated a personal protection order and certain conditions apply.

Under one of those conditions, if the PPO was issued to enjoin domestic violence or stalking, the PPO must state on its face that a violation of its terms subjects the individual to immediate arrest and either of the following:

- Criminal contempt punishable by up to 93 days' imprisonment and/or a maximum fine of \$500, if the individual restrained or enjoined is 17 or older.
- Juvenile disposition under the juvenile code, if the individual restrained or enjoined is under 17.

Under the bill, the criminal contempt penalty would apply to a restrained or enjoined person who was 18 or older, and juvenile disposition would apply to a restrained or enjoined person who was under 18.

MCL 780.983 (S.B. 84)
712A.1 (S.B. 90)
764.27a (S.B. 91)
330.2060a (S.B. 94)
750.139 (S.B. 96)
712A.14 et al. (S.B. 97)
764.27 (S.B. 98)

Legislative Analyst: Stephen Jackson

FISCAL IMPACT

Senate Bill 84

The bill would have an indeterminate, but likely minimal, fiscal impact on the Department of Licensing and Regulatory Affairs and on local government. The magnitude of the fiscal impact on the Department and to local court systems would depend on the number of 17-year-old individuals who used indigent defense services.

Revising the definition of adult would mean that individuals who are 17 years of age no longer would be subject to the Michigan Indigent Defense Commission Act. However, any cost savings to local court systems likely would not result in cost savings for the Department because of the likely minimal effect on compliance plans submitted to the Michigan Indigent Defense Commission by local systems. The Department could see decreased remittances of funds collected by locals from partially indigent defendants, depending on the number of 17-year-old individuals who are subject to these collections. While data are currently unavailable, this number likely is small and would not have a significant fiscal impact on the Department.

Senate Bills 90 & 98

The bills effectively would raise the age from 16 to 17 for an individual to have his or her case adjudicated in the Family Division of Circuit Court. The bills would not create new offenses or increase the number of potential defendants in total, so there should not be a net increase in the number of cases. Any increase in juvenile cases would be offset by a corresponding decrease in the number of adult cases. Any change in costs would be due to the difference in the cost between the case types, magnitude of the shift in defendants, and intensity of judicial involvement.

Information provided by the State Court Administrative Office (SCAO) indicates that there were 29,959 juvenile cases in Michigan from July 2015 to July 2016, the last year for which data are available. It is expected that there would be an increase of 7,564 cases from raising the age of the juvenile offenders to less than 18 years of age. There would be a total net zero change in the number of cases as the increase in the juvenile cases would be expected to be shifted from the adult courts to the Family Division of the Circuit Court.

Senate Bill 91

The bill could have a negative fiscal impact on the State and would have an indeterminate fiscal impact on local government. Since the bill would prohibit anyone less than 18 years of age from being confined in a county jail pending trial, alternative confinement arrangements could be used for these individuals. The alternative arrangements likely would be in a county juvenile detention facility, a State juvenile justice residential treatment facility, or a private juvenile justice residential foster care facility. This would mean increased expenses for the DHHS. Counties would no longer have the option to confine these individuals in the county jail, so there could be fiscal savings, but the net cost or savings would depend on where the individuals were housed pending trial and the incremental difference in cost between a juvenile justice facility and the county jail.

The MDOC is paid by the City of Detroit to operate the Detroit Detention Center, which serves as the city's lock-up center and houses up to 200 offenders. The Department also funds and operates the lock-up for the City of Flint. The bill would prohibit individuals under 18 from being housed at these and other locally-run lock-ups. There could be a decrease in costs for

the lock-ups, but there would be a corresponding increase for local governments as they would be responsible for detaining these individuals consistent with the bill's requirements.

Senate Bill 94

The bill could have a negative fiscal impact on State and local government. As the bill would expand the definition of juvenile to those under 18, instead of 17, years of age, there is a potential for an increase in the number of juvenile competency evaluations. An increase in competency evaluations could increase costs to local governments, as this would be a cost to the delinquency proceedings. If a competency evaluation resulted in the provision of additional mental health treatment, there could be an increase in costs to State and local government.

Senate Bill 96

The bill could have a negative fiscal impact on State and local government. It would bar the DHHS and local governments from transporting juveniles under the age of 18 with adults charged with or convicted of a crime. Alternative transportation measures would need to be implemented, which could lead to an increased cost to the transportation provider.

The bill would have no fiscal impact on the MDOC since the provisions of the bill reflect the Department's current policy. The fiscal impact on local government would depend on the extent of the changes needed in order to separately house 16- and 17-year-olds.

The bill would result in a General Fund/General Purpose (GF/GP) savings for the Department of Corrections but would depend solely on judicial placement decisions. Currently, the Department houses 30 prisoners aged 17 and under. If the Department did not house any offenders until they reached the age of 18, the Department could close half of one housing unit that houses this population, saving just under \$2.0 million GF/GP.

Senate Bill 97

The bill would have an indeterminate fiscal impact on the State and could have a negative fiscal impact on local government, if the current State and local 50%-50% juvenile justice cost sharing methodology were maintained. If there were a change to the allocation in costs, the fiscal impact would be contingent on that methodology. The bill would prohibit juveniles 17 years of age and younger from being held in a jail or detention facility that also housed adults, and would prohibit family courts from imposing a jail or prison sentence on an individual who was under 18 years of age. These prohibitions would decrease the demand for prison and jail beds and increase the demand for the use of juvenile-only facilities. Placement of these individuals would be subject to judicial discretion and could result in an increase in the use of county juvenile detention facilities, State juvenile justice residential treatment facilities, and private juvenile justice residential foster care facilities. If an individual under 18 years old were the responsibility of a county, there would be a 50%-50% cost sharing arrangement between the State and county, either through the State Ward Board and Care (SWBC) Fund or the Child Care Fund (CCF) payment system.

The total cost of the changes proposed by the bill would be subject to judicial placement decisions. Since it is unknown how many individuals would be affected by the proposed changes, one way to analyze the potential impact of the proposed changes is to examine the current number of individuals in Michigan Department of Corrections (MDOC) facilities who are under 18 years of age and the per diem rates of the various juvenile facilities.

The following tables give some context to the per diem expenses. As shown in [Table 1](#), county juvenile detention facilities have rates that range between \$160 and \$180. The total capacity of these facilities is not known. These rates are from FY 2014-15, the fiscal year for which the most recent data are available. [Table 2](#) displays the cost and capacity for State juvenile justice residential facilities with a per diem cost of approximately \$300 and a total capacity of 80 beds per day between the two facilities. [Table 3](#) has the current per diem rates and number of licensed beds (as of February 15, 2019) with a total of 43 contracted private juvenile residential foster care facilities in the State and a total licensed bed capacity of 3,412.

Table 1

Five Most Populous Counties' Juvenile Detention Facilities Per Diem Rates	
County	Per Diem Rates
Wayne	N/A
Oakland	\$170
Macomb	\$170
Kent	\$180
Genesee	\$160

Table 2

State Juvenile Justice Residential Treatment Facilities' Per Diem Costs FY 2016-17			
Facility	Annual Youths Served	Bed Capacity	Per Diem Costs
Bay Pines Center	93	45	\$301
Shawono Center	57	40	\$312

Table 3

Private Juvenile Justice Residential Foster Care Per Diem Rates FY 2018-19		
Range of Per Diem Rates	Number of Facilities	Total Number of Licensed Beds
\$209	18	1,518
\$291-\$299.50	11	915
\$305-\$321	14	979

It is not known how many individuals who are currently placed in county jails who, under the bill, would no longer be allowed in the same facility as adults; however, there is information available concerning those individuals under 18 who are supervised in MDOC facilities. The bill would result in a General Fund/General Purpose (GF/GP) savings for the MDOC, but those savings would depend solely on judicial placement decisions. As of March 2019, the MDOC houses 30 prisoners under the age of 17. If the Department did not house any offenders until they reached the age of 18, the Department could close half of one housing unit that houses this population, which would save just under \$2.0 million GF/GP.

Using the MDOC figures, these individuals cost approximately \$183 per diem. For a determination of the cost shift impact on the Department of Health and Human Services (DHHS) and local government (assuming all individuals are placed in residential care), a blended weighted average per diem cost was used to reach an estimate. A \$263 per diem for

a blend of the three types of facilities would cost \$2.8 million for 30 responsible juveniles no longer held in an MDOC facility. This is an estimated increase of \$800,000 in total costs. However, under current law for these 30 individuals, there would be a 50% share in costs for DHHS and local government. Both State and local government would be responsible for \$1.4 million under current funding mechanisms. The State would save \$600,000 in total, though it would be a \$2.0 million savings for the MDOC and a \$1.4 million cost increase for the DHHS. As this is an estimate, if the per diem costs ended up higher than those in this scenario, any savings to the State would be lessened. As these estimates depend on the assumptions made above, this cost estimate is uncertain. Some factors that could change these cost estimates include an increase in caseload, a change in judicial placement decisions, more intensive/restrictive placements, a lack of bed capacity, or a change in the cost allocation methodology.

For local government, there would be an increased cost for any increase in the number of individuals supervised as court wards who otherwise would be supervised in an MDOC facility. For instance, given the current cost allocation methodology, under the example described above, the increased cost to the counties for those 30 individuals would be \$1.4 million.

Senate Bill 99

The bill would have an indeterminate fiscal impact on State and local government. As the bill would change the age, from less than 17 years of age to less than 18 years of age, for a person to be subject to criminal contempt of court for violating a PPO, the penalties for a violation would change. Currently, if the person is less than 17 years of age, he or she is subject to delinquency proceedings, while anyone 17 or older is subject to adult penalties. The bill would allow a 17-year-old to be subject to a delinquency proceeding for violating a PPO, which could lead to a decrease in costs to the MDOC if fewer individuals were sentenced to prison. The costs for the DHHS and local government could increase depending on the outcomes of those delinquency proceedings. The costs to counties could be offset, as a violation of a PPO that otherwise would lead to a stay in jail could be changed to a dispositional alternative under the bill.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.