

Fiscal Estimate Narratives

DA 2/4/2005

LRB Number 05-0756/1	Introduction Number AB-82	Estimate Type Original
Subject Age of adult criminal jurisdiction		

Assumptions Used in Arriving at Fiscal Estimate

This bill, if enacted, would not change the number of cases that would be referred to district attorneys offices. It would just change the statutes under which the DA office would proceed.

Long-Range Fiscal Implications

The actual impact of this bill, if enacted, should be closely monitored to determine if there is a significant change in actual DA office workload.

Fiscal Estimate Narratives

DOC 3/7/2005

LRB Number	05-0756/1	Introduction Number	AB-82	Estimate Type	Original
Subject					
Age of adult criminal jurisdiction					

Assumptions Used in Arriving at Fiscal Estimate

This bill increases from 17 to 18 the age at which a person would be subject to procedures and sentencing outlined in the adult criminal code. There would still remain the ability for courts to waive a person under the age of 18 into adult court.

This change would mean that most 17 year olds currently admitted to county jails, state prisons, probation, or parole would instead be admitted to county secure detention facilities, state juvenile correctional institutions (JCI), or juvenile supervision provided by either the county or state.

The Office of Justice Assistance's publication Wisconsin Adult Jail Populations – 2003 included information on the number of 17 year old admissions to county jails during 2002 and 2003. In 2002, 57 jails reported 13,868 admissions of 17 year olds and in 2003, 47 jails reported 11,075 admissions. If these 17 year olds were considered juveniles in criminal proceedings, an unknown number would be placed in secure detention facilities (e.g. for predisposition custody or short-term sanctions) instead of in jails. County jails and secure detention facilities are funded with county dollars. The cost to house a juvenile in a secure detention facility is approximately \$55,000 annually while the cost to house an adult in a county jail is approximately \$18,000 annually. Only 16 counties operate secure detention facilities, while 71 counties operate jails. Therefore, this bill will require many counties to transport 17 year olds to other counties in order to find available beds, resulting in increases to their transportation costs.

During FY04, DOC admitted 106 17 year olds to its adult prisons and 418 18 year olds. While this bill would likely cause a large shift of population from adult prisons to JCIs, it is not possible to determine the size of the population that would be affected by this bill. The annual cost to house an inmate in state prison is \$28,000. The annual cost to house a juvenile in a JCI is \$77,900 in FY04.

In addition to a change in where incarcerated 17 year olds would be housed, there would be a change in how 17 year olds would be supervised while on probation and parole. Currently, all adults under community supervision are supervised with state GPR funds and state employees. The only state supervision of people under 17 is for a very small number of juveniles placed on state aftercare or state corrective sanctions once they have completed a stay in a JCI. Counties do all the supervision for juveniles who would be considered to be on probation in the adult correctional system, and 23 counties contract for state aftercare of their juveniles once they have completed a stay in a JCI.

Of the 3,463 17 and 18 year olds that were admitted to adult community supervision during FY04, only 44 were admitted as parolees. The remaining population was on probation. As with state prison populations, it is not possible to determine the number of people that would be affected by this bill.

For FY04, the annual per capita cost to supervise an adult on probation or parole was \$2,000 and a juvenile on state aftercare supervision was \$9,800. The cost for county supervision of a juvenile is lower than state aftercare, and varies from county to county. The estimated cost for counties to supervise and provide services to a juvenile is \$6,000 to \$8,000 annually.

It is not possible to determine how courts would decide to sentence 17 year olds under this bill. It is likely there would be a significant reduction in county jail, state prison, and state adult community supervision populations as a result of this bill. This would result in a reduction to state GPR costs and state GPR FTE.

However, an increase in the populations of secure detention facilities, state juvenile correctional institutions, and state and county supervision populations would result in an increase to state PR costs, state PR FTE, and county costs to pay for the higher costs associated with housing and supervising more juveniles.

Long-Range Fiscal Implications

Fiscal Estimate Narratives

SPD 2/14/2005

LRB Number	05-0756/1	Introduction Number	AB-82	Estimate Type	Original
Subject					
Age of adult criminal jurisdiction					

Assumptions Used in Arriving at Fiscal Estimate

The State Public Defender (SPD) provides legal representation in criminal cases and other specified proceedings in which the loss of personal liberty or parental rights may occur. For adult clients, the SPD must complete a financial eligibility evaluation before appointing an attorney. SPD services are constitutionally required because in the case types handled by SPD, a defendant without the financial means to hire an attorney has the right to have an attorney appointed. Therefore, any bill that would decrease the number of - or severity of - cases handled by SPD would decrease SPD costs.

This bill raises from 17 to 18 the age at which a person may be charged originally in adult criminal court, rather than juvenile court. The SPD provides representation in both adult criminal cases and in delinquency proceedings. The average cost differs for adult and juvenile delinquency cases. If cases currently being brought as adult cases against 17-year-olds were shifted to juvenile court, the SPD could potentially realize a savings because of the lower average cost of the juvenile cases.

However, the higher age of adult jurisdiction might lead to more requests for waiver of 17-year-olds into adult court under the law that allows the district attorney to petition for such a waiver. In those cases, the SPD needs to appoint counsel both for the waiver proceeding and for the subsequent proceedings in either the adult or juvenile court. The additional cost of waiver proceedings for a portion of the affected cases would partially offset the savings described in the preceding paragraph.

We project a net annual savings under this bill of \$153,900, based on the following assumptions:

- 1) 10% of the projected 151 ABC felonies, in which the client is 17 years of age at the time the case is opened, would not be subject to waiver proceedings and would instead be felony delinquency cases. The remaining 90% of ABCs would require waiver hearings, and 50% of those would be waived into adult court and charged as A, B or C felonies.
- 2) 75% of 1,829 other felonies would not be subject to waiver proceedings, and would instead be felony delinquency cases. 2/3s of the remainder would require waiver hearings, and 50% of those would be waived into adult court.
- 3) 90% of misdemeanors would not be subject to waiver proceedings, and would instead be juvenile-other cases. The remaining misdemeanors would not require waiver hearings.
- 4) No revocation cases would be subject to waiver proceedings, and would all be juvenile cases.

Long-Range Fiscal Implications