



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

House Bill No. 1332

(Patron – Bell)

LD #: 06-1663232

Date: 1/23/2006

Topic: Placement of adults in juvenile detention facilities

Fiscal Impact Summary:

- **State Adult Correctional Facilities:**
None (\$0)
- **Local Adult Correctional Facilities:**
\$619,303 (65 beds)
- **Adult Community Corrections Programs:**
None (\$0)

- **Juvenile Correctional Centers:**
None (\$0)
- **Juvenile Detention Facilities:**
None (\$0)

Summary of Proposed Legislation:

This proposal amends §§ 16.1-249, 16.1-269.6, 16.1-284, 16.1-291, and 16.1-292 relating to the placement of adults in juvenile detention facilities. Under the proposal, defendants being held in a juvenile detention facility prior to trial must be transferred to an adult jail if they attain the age of 18 while being detained. Currently, the *Code of Virginia* does not require that a juvenile detainee be transferred to an adult facility if that person turns 18. Similarly, the proposal stipulates a maximum age of 18 for defendants detained in juvenile detention for violating their probation terms for a child in need of supervision.

In addition, if a juvenile is transferred to circuit court to be tried as an adult, the proposal requires that the juvenile be held in an adult facility prior to trial. Under current law, the juvenile court has the discretion to order pre-dispositional confinement in either a juvenile or an adult facility.

Furthermore, under the proposal, if a juvenile court sentences an adult to confinement for contempt of court or a violation that occurred when the defendant was a juvenile, the court is required to sentence the defendant to an adult facility. Currently, the juvenile court may sentence the defendant to incarceration in either a juvenile or an adult facility.

Analysis:

According to the Department of Juvenile Justice, there were 255 juveniles admitted to detention in Fiscal Year (FY) 2005 who turned 18 before their release date; these juveniles had an average length of stay (LOS) in detention of 1.6 months, of which, an average of almost 10 days were after turning 18.

During the same time period, there were 232 juveniles admitted to detention who were transferred to circuit court to be tried as an adult; their average LOS was 2.8 months.

Only four adults were sentenced to detention for an offense they committed as juveniles; their average LOS was 1.7 months. In all, there were 45 adults found in contempt of a juvenile court order who were sentenced to detention; their average LOS was 16 days.

During FY2005, there was one 18-year old individual who was sentenced to five days in detention for violating his probation terms for a child in need of supervision.

Impact of Proposed Legislation:

State adult correctional facilities. The proposal has no effect on state-responsible (prison) bed space needs.

Local adult correctional facilities. The proposal is expected to have an increased need for local-responsible (jail) bed space needs; the estimated impact is 65 beds statewide. The cost to the state for the additional beds is \$619,303 and for the localities, \$570,898.

Adult community corrections programs. No impact is anticipated on adult community corrections programs

Virginia's sentencing guidelines. No adjustment is necessary to the guidelines under the proposal.

Juvenile correctional centers. According to the Department of Juvenile Justice (DJJ), the proposal is not expected to impact the need for juvenile correctional center (JCC) bed space.

Juvenile detention facilities. The Department of Juvenile Justice reports that the proposal will not increase the need for juvenile detention facility beds.

Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation \$0 for periods of imprisonment in state adult correctional facilities and is \$0 for periods of commitment to the custody of the Department of Juvenile Justice.

Assumptions underlying the analysis include:

General Assumptions

1. State and local responsibility is based on §53.1-20 as analyzed for the Secretary's Committee on Inmate Forecasting in 2005.
2. Admissions were assumed to be neither increasing nor decreasing during the six-year impact forecast window.
3. Cost per jail bed was based on The Compensation Board's FY2004 Jail Cost Report. The state cost was calculated from the revenue portion and the resulting sum was \$26.03 per day or \$9,506 per year. The local cost was calculated by using the daily expenditure cost of \$54.37 per inmate (not including capital accounts or debt service) as the base, and subtracting revenues accrued from the state and federal governments, which resulted in \$23.99 per day or \$8,763 per year. *Where the estimated bed space impact included a portion (or fraction) of a bed, a prorated cost was included in the estimate.*

Assumptions relating to sentence lengths

1. The impact of the proposed legislation, which would be effective on July 1, 2006, is administrative and transfers from juvenile detention facilities to local jails would begin with the proposal's enactment.
2. The state-responsible bed-space impact was derived by using the appropriate length of stay reported by the Department of Juvenile Justice for persons held under §§ 16.1-269.5, 16.1-269.6, 16.1-284, 16.1-291 and 16.1-292. The reported length of stay for person held under § 16.1-249 was adjusted to reflect the length of stay after the person turned 18.

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