

GENERAL ASSEMBLY OF NORTH CAROLINA



Session 2005

Legislative Fiscal Note

BILL NUMBER: House Bill 2076 (First Edition)

SHORT TITLE: Juvenile Code Changes.

SPONSOR(S): Representatives Kiser, Haire, Dickson, and Jones

FISCAL IMPACT

Yes (X) No () No Estimate Available ()

FY 2006-07 FY 2007-08 FY 2008-09 FY 2009-10 FY 2010-11

EXPENDITURES:

Dept. of Juvenile Justice: Overall fiscal impact indeterminate but no substantial impact

POSITIONS (cumulative): None

ADDITIONAL BEDS (Juvenile) No impact likely on YDC juvenile population and bed capacity. See Assumptions and Methodology Section

PRINCIPAL DEPARTMENT(S) &

PROGRAM(S) AFFECTED: Department of Juvenile Justice and Delinquency Prevention

EFFECTIVE DATE: Applies to offenses committed on or after December 1, 2006

BILL SUMMARY: Amends GS 7B-1903(d) to provide that a court may order secure custody for a juvenile who is alleged to have substantially violated the conditions of probation or post-release supervision (was, authorized court to order secure custody only if conditions were violated by acts that damaged property or injured persons). Amends GS 7B-2507(b) (assignment of points for the purpose of calculating the delinquency history level for juveniles) to assess two points for violations of GS 14-202.2 1(indecent liberties between children), GS 14-269 (carrying concealed weapons), or GS 14-269.7(a) (prohibitions on handguns for minors). Also amends GS 7B-2508(a) to classify those additional offenses as “serious.” Amends GS 7B-2510(e) to clarify that a court may issue an order of confinement in a secure juvenile detention facility for up to twice the term authorized for the juvenile’s dispositional level if the juvenile’s disposition was not already raised to a higher level of disposition. Enacts new GS 7B-1501(21a) to define “prior adjudication.” Makes conforming changes to GS 7B-2507(b)(3) and GS 7B-2508(a)(3). Applies to offenses committed on or after December 1, 2006

Source: Bill Digest H.B. 2076 (05/17/0200).

ASSUMPTIONS AND METHODOLOGY:

General – Sentencing and Policy Advisory Commission

The juvenile code, for the most part, uses adult criminal penalty classifications as the basis for the filing and disposition of juvenile cases. The Sentencing and Policy Advisory Commission prepares adult prison population projections for each criminal penalty bill. When analyzing these bills, the Commission also reviews whether these criminal penalty changes would alter where these crimes/penalties would fall in the Juvenile Sentencing Grid and determines the potential impact on juvenile justice facility beds or other resources.

For HB 2076, the only potential changes are to the Juvenile Sentencing Grid. Under G.S. 164-43, the Commission is charged with reviewing bills that change the range of punishment or dispositional level for a particular classification in the juvenile system.

Department of Juvenile Justice and Delinquency Prevention

The Sentencing Commission notes the following on HB 2076 and its potential impact on the juvenile system:

SECTION 2. Section 2 increases the delinquency history point value for three misdemeanor offenses from 1 point to 2 points:

- 14-202.2. Indecent liberties between children.
- 14-269. Carrying concealed weapons.
- 14-269.7(a). Prohibitions on handguns for minors.

This change would treat these three misdemeanors the same as Class F through I felonies or Class A1 misdemeanors for punishment purposes. The Commission indicates that this recommendation could not be assessed due to lack of available data on the offense composition of prior adjudications comprising a juvenile’s Delinquency History Level. However, the Commission notes that a juvenile could be sentenced in a higher delinquency history level as a result of this proposed change. For example, a juvenile sentenced in the low DHL category now for a “minor” crime could now be sentenced in medium for a “Serious” crime. *Fiscal Research notes that by increasing prior record points, a juvenile could be bumped up to a higher disposition level on the Grid and be subject to more expensive sanctions and treatment programs. The exact cost cannot be determined since it is not known what sanctions or treatment will be assigned by the judge. A range of options exists at Levels 1 and 2.*

SECTION 3. Section 3 raises three misdemeanor offenses from the Minor category to the Serious category for dispositional purposes:

- 14-202.2 (Indecent liberties between children) - Class 1 misdemeanor.
- 14-269 (Carrying concealed weapons) - Class 2 misdemeanor.
- 14-269.7(a) (Prohibitions on handguns for minors) - Class 2 misdemeanor.

In effect, this changes dispositional options available to the judge. Juveniles are sentenced on one of three levels based on the seriousness of the offense and prior offenses. Under HB 2076, it is possible in some instances for a judge to give a Level 2 disposition to a first time offender and a Level 3 disposition (YDC commitment) to an offender not currently subject to Level 3

The Commission notes that DJJDP identified 196 juveniles disposed during FY 2004-05 with adjudication for one of the three above-listed offenses. These 196 juveniles would, hypothetically, move from the Minor to the Serious Offense Level (OL) for dispositional purposes, therefore increasing the punishment level.

In FY 2004-05, 73% of all adjudicated delinquents placed in the low Delinquency History Level (DHL), 15% in the medium DHL, and 12% in the high DHL. Assuming a similar delinquent history distribution for the 196 juveniles, the recommendation would move approximately:

- (1) 143 juveniles into the “Serious OL/Low DHL” cell (Disposition Levels 1/2);
- (2) 29 juveniles into the “Serious OL/Medium DHL” cell (Disposition Level 2); and
- (3) 24 juveniles into the “Serious OL/High DHL” cell (Disposition Levels 2/3). In FY 2004-05, the rate of commitment to Youth Development Centers (YDC) in this cell was 39% (9 of the 24 juveniles).

Note that it is unknown whether the offenses in the recommendation were the most serious adjudicated offenses for the 196 juveniles; if not, their cases might or might not be moved for dispositional purposes, depending on the Offense Level (OL) of their other offenses.

Fiscal Research Comments on Section 3: *For those cases that move to a higher disposition level, the cost of treatment and punishment is likely to increase. The cost cannot be determined since it is not known what Level 2 punishments would be assigned by a judge.*

Level 3 would be commitment—the cost of a YDC bed was \$91,350 per bed in 2004-05. However, even given 9 additional beds needed in YDC’s as a result of Section 3, it is likely that there will be little or no fiscal impact. Assuming similar delinquent history distribution as in 2004-05 and at least 196 juveniles adjudicated for these offenses, there would be 9 additional commitments to Youth Development Centers. Based on current YDC bed capacity and Sentencing Commission juvenile population projections, the addition of 9 juveniles to YDC’s (assuming an average of about one year commitment) would not create a fiscal impact. See Table I which shows a small surplus of YDC beds, given certain assumptions, even with 9 potential new commitments.

TABLE 1

<i>Fiscal Year</i>	<i>2006-07</i>	<i>2007-08</i>	<i>2008-09</i>	<i>2009-10</i>	<i>2010-11</i>
<i>Population*</i>	461	470	472	480	<i>Not available</i>
<i>YDC Bed Capacity**</i>	508	508	508	508	508
<i>Difference</i>	+47 beds	+38	+36	+28	NA

**Population projections prepared by the Sentencing and Policy Advisory Commission in April 2006.*

***Bed capacity figures provided by DJJDP as of May 2006. Assumes completion of five new YDC’s during 2007-08 and continued operation of some existing YDC beds*

The caveats to the assumption of little or no fiscal impact are:

- *Assumes no other bills are passed that affect YDC commitment rates*
- *Assumes no substantial change in DJJDP admission rates, release rates, average length of stay and related policies that could affect population and bed capacity*
- *Assumes distribution of the 196 cases into Levels 1, 2, and 3 as presented in Sentencing Commission's hypothetical situation*

SECTION 5. Section 5 defines prior adjudications as "Any adjudication that occurred before the current date of disposition which is not a part of some related transaction for the current offense."

The Commission indicates the impact of this change could not be assessed due to lack of available data on the dates of prior adjudications comprising a juvenile's Delinquency History Level.

SOURCES OF DATA: Sentencing and Policy Advisory Commission and Department of Juvenile Justice and Delinquency Prevention

TECHNICAL CONSIDERATIONS: Creates deviation from the Juvenile Sentencing Grid by requiring three misdemeanors to be punished at the same level as felonies or A1 misdemeanors.

FISCAL RESEARCH DIVISION: (919) 733-4910

PREPARED BY: Jim Mills

APPROVED BY: Lynn Muchmore, Director
Fiscal Research Division



DATE: June 14, 2006

Signed Copy Located in the NCGA Principal Clerk's Offices