

Legislative Analysis



RAISE THE AGE: JUVENILE JUSTICE SERVICES

Phone: (517) 373-8080
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House Bill 4789 as introduced
Sponsor: Rep. Leslie Love
Committee: Law and Justice
Complete to 9-24-18

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 4789 would amend the Social Welfare Act to require the Department of Health and Human Services (DHHS), subject to appropriations, to pay 100% of the amount a county expends above an amount determined to be a benchmark amount annually expended to provide juvenile justice services for 17-year-olds who are prosecuted in adult criminal court.

Currently, the DHHS provides for the distribution of money appropriated by the legislature to counties for the cost of juvenile justice services as provided in the Act. Juvenile justice services include such things as intake, detention, detention alternatives, probation, foster care, and diagnostic evaluation and treatment. For a county that is not a county juvenile agency, the amount distributed, with some exceptions, must equal 50% of the annual expenditures from the county's Child Care Fund.

In addition to the above provision, and subject to appropriations, the bill would require the DHHS to pay 100% of the amount that is expended by a county above the amount determined, in a study commissioned by the legislature, to be the benchmark amount annually expended by the counties to provide juvenile justice services for 17-year-olds who are prosecuted as adults in adult criminal courts.

The bill would take effect 90 days after enactment.

MCL 400.117a

BACKGROUND INFORMATION:

House Bill 4789 is a reintroduction of House Bill 4964 of the 2015-2016 legislative session. It is part of a larger bill package known as the "Raise the Age" legislation, which is intended to treat individuals who are 17 years of age as juveniles rather than automatically treating them as adults.

FISCAL IMPACT:

Under the requirements of the bill, the state would have to reimburse the counties for 100% of any amount of eligible expenditures for 17-year-olds over the determined benchmark amount. Under current law, 17-year-old offenders are treated as adults and are not adjudicated under juvenile court jurisdiction. Therefore, the fiscal impact of this bill occurs

only if the other bills that are part of the “Raise the Age” legislative package are enacted. If these bills were enacted along with this bill, there would be additional costs to the state and minimal costs to local units of government related to providing juvenile justice services.

While the specific amount of these additional juvenile justice services costs are not known at this time, a report commissioned by the State of Michigan Legislative Council Criminal Justice Policy Commission was released on March 14, 2018 (the “Report”)¹ estimates the amount of increase to the state Child Care Fund from raising the age of juveniles under juvenile court jurisdiction to include 17-year-olds (under the current 50/50 state-local cost-sharing model) to be between \$9.6 million and \$26.8 million. If the state must pay up to 100% of these expenses, instead of 50%, this estimated range of expected additional costs to the state Child Care Fund could be doubled and the range could be approximately \$19.2 million to \$53.6 million.

The Report does not provide a specific benchmark for these current costs for counties, so it is not possible currently to ascertain how much of the additional estimated costs would be over the benchmark, and thus, required to be paid by the state. But as noted above, under current law, 17-year-old offenders are not provided juvenile justice services, meaning there would be very few costs included in the county benchmarks.

Legislative Analyst: Susan Stutzky
Fiscal Analyst: Viola Bay Wild

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.

¹ Hornby Zeller Associates, Inc. *The Cost of Raising the Age of Juvenile Justice in Michigan: Final Report*. March 14, 2018. <http://council.legislature.mi.gov/Content/Files/cjpc/MIRaisetheAgeFinalReport03.14.2018.pdf>