

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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FISCAL IMPACT STATEMENT

LS 6848
BILL NUMBER: SB 467

DATE PREPARED: Dec 29, 1999
BILL AMENDED:

SUBJECT: Incarcerated children.

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FUNDS AFFECTED: **GENERAL**
DEDICATED
FEDERAL

IMPACT: State

Summary of Legislation: This bill provides that whenever a child is committed to an adult correctional facility or program, the Department of Correction shall restrict the child to an area of the facility or program where the child at all times has complete sight and sound separation from adults who are charged with, imprisoned for, or incarcerated for offenses. It applies regardless of whether the child is a criminal or a delinquent offender. This bill also requires the Department of Correction to enroll each: (1) criminal offender who is less than 18 years of age; and (2) delinquent offender who is committed to or a ward of the Department of Correction; in an appropriate educational program. It also makes an exception if the criminal offender received a sentence of death or life imprisonment without parole.

Effective Date: July 1, 2000.

Explanation of State Expenditures: The requirement that juveniles (17 years and under) incarcerated in adult DOC facilities be completely segregated from adult felons may create additional administrative expenses associated with space allocation. Currently, juveniles are housed in the ten DOC adult facilities. Juveniles incarcerated in DOC facilities are usually convicted of serious crimes (e.g. murder, rape, multiple theft convictions). As of July 1999, 82 juveniles resided in adult facilities. (The average daily population is about 90 offenders.)

This bill may place additional pressure on the DOC for capital construction of new facilities due to its current overcapacity. DOC just completed construction of a facility with 1,400 new beds in the fall of 1999. Including all contracted and county jail beds, DOC adult male capacity in FY 2000 will be 16,256 with a projected population of about 18,000 beds (+11%). This includes DOC offenders currently serving time in county jails. DOC incarceration expenses averaged \$17,500 in FY 1998. Expenses are based on total prison operating costs and the number of DOC offenders, but do not include costs for construction.

Juvenile Offender Housing Considerations

Placement in Current Facilities: The requirement for complete sight and sound segregation is considered to be a difficult administrative undertaking due to the following circumstances: (1) multiple security levels of juvenile inmates (necessitating separating juveniles with varying security risks among separate facilities); (2) physical layout of facilities and the movement of offenders for meals and programming; and (3) potential need for duplication of programming, recreation and food services for units.

Out-of-State Placements: There is a possibility that juvenile offenders may be placed in private facilities. DOC currently contracts for out-of-state placements in Oklahoma. However, placements are minimum and medium security offenders, and past contracts have excluded offenders under the age of 18. The current out-of-state contract per diem is \$45 a day or \$16,425 a year. Private placement in juvenile facilities willing to take these offenders could cost from \$125 to \$350 per day based on security risk (\$45,625 to \$127,750 a year).

New Facility Construction: Construction planning based on this bill's intent predicts a need for a 160 bed facility (this estimate includes a forecasted increase of enrollment of about 10 juveniles a year added to the average daily population of 90). The current average sentence for juveniles in adult DOC facilities is 9.5 years. It is estimated that a new, multiple security facility (i.e., with separate security areas for murderers and thieves) could be built at a cost of \$19.6 M (\$120,000 a bed). DOC estimates that such a facility could be constructed by 2004. Annual operating costs are estimated at about \$8 M for administrative, guard and educational staffing and materials. About \$0.86 M of this cost would be for the educational component (this cost includes salaries for a director of education, secretary, ten classroom teachers and four vocational instructors).

The funds and resources required above could be supplied through a variety of sources, including the following: (1) Existing staff and resources not currently being used to capacity; (2) Existing staff and resources currently being used in another program; (3) Authorized, but vacant, staff positions, including those positions that would need to be reclassified (DOC currently has 433 vacant positions.); (4) Funds that, otherwise, would be reverted; or (5) New appropriations. Ultimately, the source of funds and resources required to satisfy the requirements of this bill will depend upon legislative and administrative actions.

Explanation of State Revenues:

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected: Department of Correction.

Local Agencies Affected:

Information Sources: Planning Division, Department of Correction; DOC 1999-2001 Budget Request.