

**STATE
FISCAL IMPACT**

Drafting Number: LLS 13-0609

Date: April 3, 2013

Prime Sponsor(s): Sen. Giron
Rep. Rosenthal

Bill Status: Senate Judiciary

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TITLE: CONCERNING YOUTHFUL OFFENDERS WITHIN THE STATE DEPARTMENT OF CORRECTIONS.

Fiscal Impact Summary	FY 2013-2014	FY 2014-2015
State Revenue		
State Expenditures		
FTE Position Change		
Effective Date: Upon signature of the Governor, or upon becoming law without his signature.		
Appropriation Summary for FY 2013-2014: None required.		
Local Government Impact: None.		

Summary of Legislation

This bill recreates and reenacts the section of law pertaining to the eligibility of young adult offenders (those who are 18 or 19 at the time the offense is committed, but less than 21 years old at the time of sentencing) for sentencing to the Youthful Offender System (YOS) in the Department of Corrections (DOC). Most sex offenders and most individuals convicted of class 1 and 2 felonies are excluded.

The bill requires the DOC, on or before August 1, 2013, to implement policies pursuant to the federal Prison Rape Elimination Act to ensure compliance with certain provisions relating to youthful offenders. On or before October 1, 2013, and each October 1 thereafter, the DOC is required to report to the House and Senate Judiciary Committees concerning the implementation of the new policies within the YOS.

Background. The YOS is a sentencing option for certain juveniles who are charged as adults that exists between the traditional adult prison system and the Division of Youth Corrections, Department of Human Services. The YOS is an intensively structured program within the DOC that provides services and treatment to juvenile offenders during incarceration, as well as the transition back to the community. The length of stay for an offender in the YOS is anywhere between two and seven years, depending on the severity of the crime committed, and the number of beds is capped by law and the physical limitations of the facility at 256. The section of law concerning young adult offenders in the YOS was originally enacted in 2009, and was repealed effective October 1, 2012.

State Expenditures

The bill is not expected to increase or decrease state expenditures from their present levels. It reestablishes a sentencing option that was in place between July 1, 2009, and October 1, 2012. It is possible that some young adult offenders were sentenced to the DOC after October 1 who would have been sentenced to the YOS if that option was available, although specific information about such alternate sentences is impossible to quantify.

The YOS is a self-contained sub-program of the DOC that is structured to provide a highly regimented correctional environment for certain youthful offenders. The system is required to admit any offender sentenced there. As such, adequate supervision, treatment programs, and other basic services are maintained at all times. When the facility is not filled to capacity, the costs for those items are not reduced. The DOC is thus able to absorb the costs of any additional young adult offenders using existing appropriations.

The bill also requires the DOC to implement and report on the implementation of policies related to youthful offenders and the federal Prison Rape Elimination Act. As these policies are currently in place across DOC, no new implementation is required. Information about the implementation of such policies will be included in the department's annual report and in the briefing that is currently provided to the House and Senate Judiciary Committees in January of each year.

Departments Contacted

Corrections
District Attorneys
Human Services
Judicial