

OFFICE OF FISCAL ANALYSIS

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sHB-5500

AN ACT CONCERNING REVISIONS TO VARIOUS LAWS CONCERNING JUROR COMPENSATION, IGNITION INTERLOCK DEVICES, THE DEPARTMENT OF CORRECTION, JUDICIAL RETIREMENT SALARIES AND CRIMINAL LAW AND CRIMINAL PROCEDURE.

OFA Fiscal Note

State Impact:

| Agency Affected | Fund-Effect | FY 25 \$ | FY 26 \$ |
|--|-------------|--------------------------|--------------------------|
| Judicial Dept. | GF - Cost | 1,300,000 - 2,250,000 | 2,000,000 - 3,000,000 |
| Department of Developmental Services; Social Services, Dept.; Mental Health & Addiction Serv., Dept. | GF - Cost | See Below | See Below |
| State Comptroller - Fringe Benefits ¹ | GF - Cost | See Below | See Below |

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill makes various technical and conforming changes to court-related matters as well as significant changes including juror compensation and diversionary services for individuals with intellectual disabilities charged with crimes. The bill results in an estimated cost of \$1,300,000 - \$2,250,000 in FY 25 and \$2,000,000 - \$3,000,000 in FY 26 to the Judicial Department and results in a cost to the

¹The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 41.25% of payroll in FY 25.

Department of Developmental Services (DDS), the Department of Social Services (DSS), and the Department of Mental Health and Addiction Services (DMHAS) as described below.

Section 1 results in a cost of \$1,300,000 - \$2,250,000 in FY 25 and \$2 million - \$3 million annually thereafter to the Judicial Department for juror compensation and increased reimbursement rates for certain jury-service related expenses. The estimate in FY 25 is adjusted to reflect a partial year implementation due to the effective date of the bill.

The bill sets juror compensation to minimum wage for an eight-hour workday and allows unemployed and part-time employed individuals to be compensated for jury duty.² The bill also provides the same rate for individuals who are not compensated by their employer after the fifth day of jury service. It is anticipated that this will result in an annual cost of \$1.5 million to \$2.5 million for juror compensation.³

The bill also makes changes to expenses that jurors may be reimbursed for including: requiring expenses to be reimbursed for the first five days of service in most circumstances, raising the mileage rate from \$0.20/mile to the rate that is set by the federal government,⁴ requiring reimbursable expenses to be capped at the minimum wage for an eight-hour workday, and requires reimbursement for family-care expenses at a rate set by the Judicial Department.⁵ These changes are expected to result in an annual cost of up to \$500,000.

Section 2 codifies the current practice of appointing counsel in certain circumstances for in-court proceedings related to risk warrants and is not anticipated to result in a fiscal impact.

Section 3 results in a cost to the state associated with expanding a pretrial diversion program to include individuals with intellectual

²The current minimum wage is \$15.69.

³In Court Year 2023, less than 40,000 jurors were called for service. 95% of jurors complete their service in one day.

⁴The current federal mileage rate is \$0.67/mile.

⁵The current family care rate is set at \$40.46.

disabilities or autism spectrum disorder (ASD).

The bill requires the Departments of Developmental Services (DDS), Social Services (DSS) or Mental Health and Addiction Services (DMHAS) to assist CSSD with assessing individuals and identifying appropriate treatment and services. Under the current diversionary program, CSSD determines eligibility, conducts assessments and identifies appropriate services. While the responsible agency under the bill is unclear, DDS, DSS and DMHAS may incur (1) administrative costs of approximately \$84,200 (with associated fringe of approximately \$34,700) for staff to perform assessments, identify services and establish treatment plans, and (2) programmatic costs to support treatment for such individuals to the extent that is required. For context, the DMHAS jail diversion program, which does not support the population required under the bill, costs approximately \$5.3 million annually. This supports approximately 40 staff and the evaluation of 2,650 clients (1,200 of whom were diverted from incarceration). For services provided under DDS, a residential program is anticipated to cost approximately \$530,000 per bed.

The extent of the actual cost depends on (1) the number of individuals with intellectual disabilities or ADS eligible for diversion, (2) the agency responsible for assessments and related requirements, and (3) the extent to which new diversionary programs are required to support this population.

Section 6 makes technical changes regarding inmate compensation resulting in no fiscal impact to the state.

Section 9 makes conforming changes to the retirement salary statutes for judges, family support magistrates, and administrative law judges and does not result in a fiscal impact.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the actual number of jurors, future

minimum wage rates, federal mileage rate, the number of applicable assessments, and required treatment services.