

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

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FISCAL IMPACT STATEMENT

LS 6033

BILL NUMBER: HB 1022

NOTE PREPARED: Nov 16, 2020

BILL AMENDED:

SUBJECT: Minimum Age for Juvenile Detention.

FIRST AUTHOR: Rep. Pryor

BILL STATUS: As Introduced

FIRST SPONSOR:

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill provides that a child who is less than 12 years of age may not be held in a juvenile detention facility, unless: (1) the child is 10 years of age or 11 years of age; and (2) the court finds that: (A) there is probable cause to believe the child committed an act that would be murder if committed by an adult; and (B) it is in the best interests of the child or the community that a petition be filed alleging that the child is a delinquent child.

It also requires a court that orders a child 10 years of age or 11 years of age to be detained in a juvenile facility to make specified written findings and conclusions.

Effective Date: July 1, 2021.

Explanation of State Expenditures: The state General Fund pays cost-based rates for residential treatment services providers.

Explanation of State Revenues:

Explanation of Local Expenditures: The Criminal Justice Institute reports 53 cases between October 1, 2017, through September 30, 2018, when 13 out of 19 juvenile detention centers housed a child between the ages of 8 and 11 in either a secured or non-secured facility.

[This information will be updated when the report for federal Fiscal Year 2020 becomes available.]

Information was not available about whether the child awaited an adjudication or was completing post trial

confinement. In addition, no information was available concerning whether the acts that the child was accused of committing could have been murder if committed by an adult.

An alternative to pretrial detention for these juveniles could include residential facilities that are licensed by the Department of Child Service (DCS). Residential facilities can include child caring institutions, residential treatment facilities, private secure facilities, and residential group home facilities. The DCS annually sets cost-based rates for residential treatment facilities. There are a total of 134 residential licenses. Of the 134 providers, there are 64 residential contract providers who serve DCS placed youth and adjudicated youth placed by the county probation departments.

Explanation of Local Revenues:

State Agencies Affected: Criminal Justice Institute.

Local Agencies Affected: Juvenile Detention Centers.

Information Sources: Criminal Justice Institute; Department of Child Services, Child and Family Services Plan (CFSP) Final Report for fiscal years, FY's 2020-2024, [https://www.in.gov/dcs/files/Child_and_Family_Services_Plan_\(CFSP\)_2020-2024.pdf](https://www.in.gov/dcs/files/Child_and_Family_Services_Plan_(CFSP)_2020-2024.pdf);

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