

**COMMONWEALTH OF KENTUCKY FISCAL NOTE STATEMENT
LEGISLATIVE RESEARCH COMMISSION
2023 REGULAR SESSION**

MEASURE

2023 BR NUMBER 186

HOUSE BILL NUMBER 3 SCS 1

TITLE AN ACT relating to juvenile justice and making an appropriation therefor.

SPONSOR Senator Chris McDaniel

FISCAL SUMMARY

STATE FISCAL IMPACT: YES NO UNCERTAIN

OTHER FISCAL STATEMENT(S) THAT MAY APPLY: ACTUARIAL ANALYSIS
 LOCAL MANDATE CORRECTIONS IMPACT HEALTH BENEFIT MANDATE

APPROPRIATION UNIT(S) IMPACTED: Juvenile Justice and Corrections

FUND(S) IMPACTED: GENERAL ROAD FEDERAL RESTRICTED _____

FISCAL ESTIMATES	2022-2023	2023-2024	ANNUAL IMPACT AT FULL IMPLEMENTATION
REVENUES			
EXPENDITURES	\$3,400,000	No less than \$16,500,000	Indeterminable
NET EFFECT	(\$3,400,000)	(No less than \$16,500,000)	(Indeterminable)

() indicates a decrease/negative

PURPOSE OF MEASURE: This measure seeks to assess and potentially renovate Louisville Metro Government’s youth detention facility, outline responsibilities for parental cooperation and penalties for failure to cooperate, require that certain youths shall be automatically detained, define when juvenile court records should remain unsealed, and require the Justice and Public Safety Cabinet (JPSC) to provide cognitive behavioral therapy, other evidence-based behavioral health programs, substance use disorder treatment, or treatment in a psychiatric facility for serious mental illness

FISCAL EXPLANATION: HB 3 PSS 1 appropriates General Fund to the Department of Juvenile Justice (DJJ) in the following amounts for the stated reasons:

1. Section 7 appropriates \$3.4 million in fiscal year (FY) 2023 to DJJ to assess and design the renovation of the Jefferson County Youth Detention Center, but only upon the completed transfer of property deed to the Commonwealth.
2. Section 8 appropriates \$10 million in FY 2024 to DJJ for the first phase of a capital project to renovate the Jefferson County Youth Detention Center contingent upon the completed transfer of property deed to the Commonwealth.

3. Section 9 appropriates \$2 million in FY 2024 for operating costs of the Jefferson County Youth Detention Center.
4. Section 10 appropriates \$4.5 million in FY 2024 for the renovation of the Jefferson Regional Juvenile Detention Center in Lyndon.

It is unknown whether the funding provided in Section 9 is sufficient as ultimate costs are contingent upon deciding factors, such as bed capacity and staffing ratios, likely to be developed subsequent to the assessment and renovations pursuant to Sections 7 and 8.

There are additional, indeterminable impacts to the DJJ as it relates to mandatory detention for youth, with exceptions, who have been accused of committing an offense that would be considered a violent offense under KRS 532.200. Staff at the JPSC have stated that they have no indication as to how many additional youths will be detained under these provisions. Depending on the exact number of additional youths in detention, additional youth workers and support staff may be needed to manage the population. Additional resources for any treatment services may also be necessary (ex: medications).

There are provisions requiring youth to be examined by a mental health professional to determine whether these youths would benefit from cognitive behavioral therapy, other evidence-based behavioral health programs, substance use disorder treatment, or treatment in a psychiatric facility for serious mental illness. If a youth is found to need these treatment services, HB 3 PSS 1 dictates that treatment shall be provided by the JPSC via a contract between the JPSC and a behavioral health services organization.

It is important to note that for any youth who are detained under the provisions of Section 4, evaluated by a mental health professional, determined to be in need of treatment, and are subsequently released with a court order to continue treatment, DJJ is required to refer the youth to its existing contractor or to other resources at the cost to DJJ. However, for any youth detained under the provisions of Section 5, there are no referral obligations, and it is assumed that DJJ would not be required to pay for treatment services after a youth is released.

Lastly, the Class A misdemeanor for parents found to violate Section 3 could pose a small, indeterminable increase to the Department of Corrections.

DATA SOURCE(S): LRC Staff

PREPARER: Zach Ireland NOTE NUMBER: 138 REVIEW: JB DATE: 3/14/2023