

Department of Planning and Budget 2024 Session Fiscal Impact Statement

1. **Bill Number:** HB1420

House of Origin Introduced Substitute Engrossed
Second House In Committee Substitute Enrolled

2. **Patron:** Watts

3. **Committee:** Courts of Justice

4. **Title:** Juveniles; adjudication of delinquency.

5. **Summary:** Specifies that a delinquent child is a child 11 years of age or older who has committed a delinquent act. Currently, there is no minimum age for a child to be adjudicated delinquent. The bill provides that if a juvenile younger than 11 years of age is found to have committed a delinquent act, the juvenile shall not be proceeded upon as delinquent; however, the court may make any orders of disposition authorized for a child in need of services or a child in need of supervision. The bill includes in the definition of "child in need of services" a child younger than 11 years of age who has committed a delinquent act. Finally, the bill includes in the offense of causing or encouraging acts rendering children delinquent, abused, etc., any person 18 years of age or older, including the parent of any child, who willfully contributes to, encourages, or causes any act, omission, or condition that causes a child younger than 11 years of age to commit a criminal offense. Under current law, any person who commits such offense is guilty of a Class 1 misdemeanor.

6. **Budget Amendment Necessary:** No.

7. **Fiscal Impact Estimates:** Preliminary, see Item 8 below.

8. **Fiscal Implications:** According to the Department of Juvenile Justice, and the Department of Behavioral Health and Development Services, the proposed bill is not expected to have a fiscal impact on agency operations.

The bill also expands an existing Class 1 misdemeanor relating to causing or encouraging acts rendering children delinquent to include any individual who causes or encourages a child younger than 11 years old to commit a criminal offense. Anyone convicted of a Class 1 misdemeanor is subject to a sentence of up to 12 months in jail and a fine of not more than \$2,500, either or both. There is not enough information available to reliably estimate the increase in jail population as a result of this proposal. However, any increase in jail population will increase costs to the state. The Commonwealth currently pays localities \$5.00 a day for each misdemeanant or otherwise local-responsible prisoner held in a jail. It also funds a large portion of the jails' operating costs, e.g., correctional officers. The state's share of these costs on a per prisoner, per day basis varies from locality to locality. However, according to the Compensation Board's most recent Jail Cost Report (November 2023), the estimated total state support for local jails averaged \$45.76 per inmate, per day in FY 2022.

9. Specific Agency or Political Subdivisions Affected: Department of Juvenile Justice,
Department of Behavioral Health and Developmental Services, Courts.

10. Technical Amendment Necessary: No.

11. Other Comments: None.