

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1863 PCB JUVJ 05-02 Juvenile Justice

SPONSOR(S): Juvenile Justice Committee; Culp

TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.: Juvenile Justice Committee	5 Y, 0 N	White	White
1) Justice Appropriations Committee		DeBeaugrine	DeBeaugrine
2) Justice Council			
3)			
4)			
5)			

SUMMARY ANALYSIS

The bill accomplishes the following:

- It reinstates the minimum-risk non-residential level of commitment, which was repealed by the Legislature in 2000, and provides that youth placed in this level shall participate in day treatment programs at least five days per week.
- It creates a definition for the term "day treatment," which provides that day treatment is available during probation, conditional release, or commitment and specifies the type of services that day treatment must include.
- It provides that the period of commitment for youth placed in the minimum-risk non-residential level may last up to six months for second degree misdemeanors.
- It requires parents to pay \$1 for each day that their child is in the minimum-risk non-residential level in conformity with current fee requirements for home detention and probation status.
- It permits youth in the high-risk residential level to be temporarily released into the community for up to 72 hours with court approval and for specified reasons, unlike current law that prohibits such release.
- It provides that commitment progress reports shall be provided to the court quarterly, rather than monthly as required by current law.
- It recreates the Task Force on Juvenile Sexual Offenders and their Victims and requires it to report its findings and recommendations regarding specified subjects to the Governor and the Legislature.
- It creates a task force to study certification for juvenile justice provider staff and requires it to report its findings and recommendations regarding specified subjects to the Governor and the Legislature.
- It provides that the membership of juvenile justice county councils and circuit boards may, rather than must as in current law, consist of specified types of representation.

The bill takes effect on July 1, 2005.

The bill is anticipated to have a minimal fiscal impact for costs associated with requirements that the Department of Juvenile Justice provide administrative support to the bill's two task forces. The House version of the General Appropriations Act contains a net reduction of \$3.7 million from the elimination of 200 residential commitment beds and the addition of 200 lower-cost day treatment slots.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h1863.JUA.doc

DATE: 4/14/2005

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government – The bill expands the Department of Juvenile Justice’s (DJJ’s) authority over youth in certain day treatment programs by reinstating the minimum-risk non-residential level of commitment in which youth will be placed in day treatment programs. Currently, the DJJ may not transfer a youth in a probation day treatment program to a residential commitment without the court first holding a hearing, finding a violation of probation, and ordering commitment; however, because the bill places day treatment in a commitment level, the DJJ will be able to transfer committed youth in day treatment programs to residential commitment programs without court hearing, unless such a hearing is ordered by a court. This authority results in the DJJ being able to provide more immediate consequences for youth who have failed to satisfactorily progress in their commitment day treatment program.

The bill also creates two task forces, the membership for which is to be appointed by the Secretary of the DJJ, and assigns the task force’s duties to review specified issues and to submit reports to the Governor and Legislature.

Promote personal responsibility – As discussed above, the bill’s reinstatement of the minimum-risk day treatment level affords the DJJ the ability to provide more immediate consequences for youth who have failed to satisfactorily progress in their commitment day treatment program. More immediate consequences may result in committed youth being held more accountable for undesirable behavior.

B. EFFECT OF PROPOSED CHANGES:

Dispositions for delinquent youth: Section 985.23(2), F.S., provides that when a youth has been found to have committed a delinquent act, the “. . . first determination to be made by the court is a determination of the suitability or unsuitability of adjudication and commitment of the child to the department.” If the court determines that commitment to the department is appropriate, the juvenile probation officer (JPO) is to recommend to the court the most appropriate placement and treatment plan, “specifically identifying the restrictiveness level most appropriate for the child.”¹ The court must commit the child to the restrictiveness level recommended, unless it states on the record reasons that establish by a preponderance of the evidence why it is disregarding the recommendation.² If the court determines not to commit the child to the department, it must then determine what community-based sanctions it will impose in a probation program for the child.³

Commitment: Currently, s. 985.03(45), F.S., establishes the following four residential levels of commitment that may be imposed by the court when disposing of a delinquent youth’s case:

- Low-risk residential.— Youth placed in this level represent a low risk to themselves and public safety but require placement and services in residential settings. Youth who have committed acts involving firearms, sexual offenses, or life or first degree felonies may not be committed to this level. Permits youth to have unsupervised community access.
- Moderate-risk residential.— Youth placed in this level represent a moderate risk to public safety and require close supervision. Facilities in this level provide 24-hour supervision and must be environmentally secure, staff secure, or are hardware-secure with walls, fencing, or locking doors. Permits youth to have supervised community access.

¹ Section 985.23(3)(b), F.S.

² Section 985.23(3)(c), F.S.

³ Section 985.23(4), F.S.

- High-risk residential.— Youth placed in this level require close supervision in a structured residential setting, and such placement is prompted by a concern for public safety that outweighs placement in programs at lower levels. Facilities in this level provide 24-hour supervision and are hardware-secure with perimeter fencing and locking doors. Prohibits youth from community access.
- Maximum-risk residential.— Youth placed in this level require close supervision in a maximum security setting, and such placement is prompted by a demonstrated need to protect the public. Facilities in this level include juvenile correctional facilities and juvenile prisons, and are required to provide 24-hour supervision and to be maximum-custody hardware-secure with perimeter security fencing and locking doors. Prohibits youth from community access.

Before the 2000 Legislative Session, commitment also included the minimum-risk non-residential level. This level was repealed by the Legislature in 2000 and the programs and services within that level were moved to the Probation and Community Control Division of the DJJ (now Probation and Community Corrections).⁴

It appears that the genesis of this repeal was a 1997 report issued by the Office of Program Policy Analysis and Governmental Accountability (OPPAGA) entitled a “Review of the Department of Juvenile Justice Residential Commitment Services,” in which it was found that, “There is often very little or no difference from one restrictiveness level to the next in primary [commitment] program elements, which are security, length of stay, and treatment services.”⁵

In response to the OPPAGA report, the House Committee on Juvenile Justice requested the creation of the Juvenile Justice Classification and Placement Workgroup (workgroup). After reviewing the differences in commitment levels, the workgroup recommended that commitment programming be changed to strike the minimum-risk level and move its programs to probation; thereby providing only for low-risk, moderate-risk, high-risk, and maximum-risk classifications.⁶ Legislation incorporating this recommendation was introduced by the House (HB 1759) and Senate (CS/SB 2336). The staff analysis for HB 1759, in discussing the repeal of the minimum-risk non-residential level, appears to explain the reasoning behind the repeal by stating that, “There is little, if any, difference relative to the issue of security between minimum risk non-residential programs and Probation/Community Control services . . .”⁷

Probation: Section 985.03(43), F.S., defines “probation” as:

. . . the legal status of probation created by law and court order in cases involving a child who has been found to have committed a delinquent act. Probation is an individualized program in which the freedom of the child is limited and the child is restricted to noninstitutional quarters or restricted to the child’s home in lieu of commitment to the custody of the Department of Juvenile Justice. Youth on probation may be assessed and classified for placement in day-treatment probation programs designed for youth who represent a minimum risk to themselves and public safety and do not require placement and services in a residential setting. Program types in this more intensive and structured day-treatment probation option include career programs, marine programs, juvenile justice alternative schools, training and rehabilitation programs, and gender-specific programs.

⁴ Chapter 2000-135, L.O.F.

⁵ OPPAGA Report No. 96-48, p. 2.

⁶ There is some ambiguity regarding the source of the recommendation to move day treatment services from commitment status to probation. The 2000 staff analysis for HB 1759 refers to a workgroup recommendations document as the source. This document, however, cannot be currently be located, even though it is referred to in the House analysis, as well as in DJJ workgroup meeting minutes and memos.

⁷ House of Representatives, Criminal Justice Appropriations Analysis for HB 1759, April 11, 2000, p. 5.

Juvenile Probation Officers (JPOs) supervise youth on probation to ensure compliance with court-ordered sanctions and services. Court-ordered sanctions may include, but are not limited to, participation in substance abuse treatment, a day-treatment probation program, restitution in money or in kind, a curfew, revocation or suspension of the driver's license of the child, community service, and appropriate educational programs.⁸

Transfer: The manner in which a committed youth may be transferred from one commitment level to another differs from the manner in which a non-committed youth may be moved from probation to commitment. If a youth is committed, the DJJ may, pursuant to s. 985.404(4), F.S., transfer the youth to a different commitment program or facility when necessary to appropriately administer the youth's commitment. The DJJ is required to notify the court that committed the youth and any attorney of record of its intent to transfer a youth to a higher or lower commitment restrictiveness level. The court may agree to the transfer or may set a hearing to review the transfer. If the court does not respond within 10 days after receipt of the notice, the transfer is deemed granted.⁹ This transfer provision also applies to youth placed on conditional release.¹⁰

Distinguishably, if a youth is on probation, the DJJ may not transfer the youth to a commitment program without first filing a petition alleging that the youth has violated his or her probation. The court is required to conduct a hearing and if the court finds a violation or if the youth admits to the violation, the court must enter a new disposition order and may impose any sanction it could have originally imposed, including commitment.¹¹

Temporary release for committed youth: Section 985.03(55), F.S., defines, "temporary release" as:

. . . the terms and conditions under which a child is temporarily released from a residential commitment facility or allowed home visits. If the temporary release is from a moderate-risk residential facility, a high-risk residential facility, or a maximum-risk residential facility, the terms and conditions of the temporary release must be approved by the child, the court, and the facility. The term includes periods during which the child is supervised pursuant to a conditional release program or a period during which the child is supervised by a juvenile probation officer or other nonresidential staff of the department or staff employed by an entity under contract with the department.

Although the definition refers to temporary release for high- and maximum-risk facilities, s. 985.03(45)(c) and (d), F.S., state that youth in the high- and maximum-risk levels shall not have access to the community. Accordingly, only youth committed to the low- and moderate-risk residential levels are eligible for temporary release into the community during their commitments.

Section 985.231(1)(d), F.S., requires all temporary releases from commitment to be approved by the court.

Escape and absconding: Section 985.3141, F.S., provides that the third degree felony of escape is committed when a youth escapes from a secure detention facility, a residential commitment facility, or during transportation to or from any secure detention facility or residential commitment facility. If a youth leaves home detention, a probation program, or conditional release, the youth is considered to have absconded from the DJJ's supervision. A juvenile may be taken into custody and placed in detention if he or she is alleged to have escaped or absconded.¹²

⁸ Section 985.23(4), F.S.

⁹ Section 985.404(4), F.S.

¹⁰ Section 985.316(4), F.S.

¹¹ Section 985.231(1)(a)1.c., F.S.

¹² Section 985.215(2)(a), F.S.

Conditional release: Section 985.316, F.S., establishes conditional release as a care, treatment and supervision program for juveniles released from residential commitment, and provides that its purposes are to, “. . . protect safety; reduce recidivism; increase responsible productive behaviors; and provide for a successful transition of care and custody of the youth from the state to the family.”¹³ The section requires youth to be assessed for conditional release services when released from commitment into the community.¹⁴ If a juvenile fails to satisfactorily progress in conditional release, he or she may be transferred by the DJJ, under s. 985.404(4), F.S., into a commitment program.¹⁵

Cost of supervision and care: Section 985.2311(1), F.S., requires courts to order the parents of youth on home detention, probation, or other supervision status with the DJJ to pay \$1 for each day that their child is in supervision status. The subsection also requires courts to order the parents of youth placed in secure detention or in commitment to pay \$5 for each day that their child is in the temporary legal custody of the DJJ.

Task Force on Juvenile Sexual Offenders and their Victims: Section 985.403, F.S., provides for the Task Force on Juvenile Sexual Offenders and their Victims. The section states that the duties of the task force include:

- Recommending standards for specially licensed professionals to work with juvenile sexual offenders and their victims and for certifying programs for the treatment of juvenile sexual offenders and their victims.
- Making recommendations regarding the use of Medicaid.
- Establishing training requirements and curricula for investigators, prosecutors, and judges.
- Assisting communities in establishing community networks.
- Providing an avenue for public awareness regarding the issue of juvenile sexually offending behavior.
- Recommending funding sources for services to be provided.
- Recommending quality assurance standards and outcome measures.
- Recommending statutory changes to facilitate prosecution of juvenile sexual offender cases.

Representatives of the DJJ have indicated that the task force has not met in more than five years. Further, this task force has been in statute without being reenacted in excess of three years, which is the time limit imposed on statutory task forces under s. 20.03(8), F.S.

Effect of Bill:

Day treatment/Minimum-risk non-residential: In s. 985.03(15), F.S., the bill creates a new definition for the term “day treatment.” Under the bill, “day treatment” means:

. . . a non-residential, community-based program designed to provide therapeutic intervention to youth who are placed on probation or conditional release, or are committed to the minimum-risk non-residential level. A day treatment program may provide educational and vocational services, and shall provide case management services; individual, group, and family counseling; training designed to address delinquency risk factors; and monitoring of a youth’s compliance with, and facilitation of a youth’s completion of, sanctions if ordered by the court. Program types may include, but are not limited to, career programs, marine programs, juvenile justice alternative schools, training and rehabilitation programs, and gender-specific programs.

¹³ Section 985.316(1)(c), F.S.

¹⁴ Section 985.316(3), F.S.

¹⁵ Section 985.316(4), F.S.

Further, in newly renumbered s. 985.03(46), F.S., the bill reinstates the minimum-risk non-residential restrictiveness level that was repealed by the Legislature in 2000. Under the bill, this level is defined as:

Minimum-risk non-residential.—Programs or program models at this commitment level work with youth who remain in the community and participate at least five days per week in a day treatment program. Youth assessed and classified for programs at this commitment level represent a minimum risk to themselves and public safety and do not require placement and services in residential settings. Youth in this level have full access to, and reside in, the community. Youth who have been found to have committed delinquent acts that involve firearms, delinquent acts that are sexual offenses, or delinquent acts that would be life felonies or first degree felonies if committed by an adult shall not be committed to a program at this level.

Finally in s. 985.231(1)(a)d.3. and (1)(d), F.S., the bill: (a) strikes the term “residential commitment” to authorize a court to commit a adjudicated delinquent juvenile to any restrictiveness level whether residential or non-residential; and (b) specifies that minimum-risk commitments for second degree misdemeanors may last up to six months. This six month time frame is identical to the time frame permitted for probation imposed for a second degree misdemeanor.¹⁶

The practical effects of the bill’s creation of the “day treatment” definition and its reinstatement of the minimum-risk non-residential restrictiveness level are: (a) the court will have a non-residential, day treatment commitment option when disposing of a delinquent youth’s case (currently only youth on probation or in conditional release may be placed in a day treatment program); and (b) the DJJ will be able, pursuant to s. 985.404(4), F.S., to transfer a youth placed in a minimum-risk day treatment program to a residential commitment program. Proponents of reinstating minimum-risk state that such transfer authority will enable DJJ to provide immediate consequences, i.e., transfer to a higher restrictiveness level, to committed youth who fail to satisfactorily progress in day treatment. As discussed above, under current law, youth who fail to satisfactorily progress in probation day treatment may only be moved to commitment after the court holds a hearing, finds a violation of probation, and orders commitment.

Temporary release/community access: The bill amends newly renumbered s. 985.03(46)(d), F.S., to permit youth in high-risk residential commitments to be temporarily released by the court for up to 72 continuous hours of community access if the youth has made successful progress in his or her program and needs: (a) to attend a family emergency; or (b) during the final 120 days of his or her placement, to visit his or her home, enroll in school or a vocational program, complete a job interview, or participate in a community service project. Accordingly, under the bill, high-risk youth, like low- and moderate-risk youth under current law, will have an opportunity for community access. Unlike low- and moderate-risk youth, however, the bill limits such access for high-risk youth to specified purposes.

The bill also amends newly renumbered s. 985.03(56), F.S., to specify that the definition of “temporary release” continues, as in current law, to only apply to residential commitments, even though the minimum-risk non-residential commitment level is added by the bill. Thus, under the bill, the decision to permit minimum-risk youth to temporarily leave a day treatment program is left to the discretion of the DJJ and its providers.

Escape/absconding: The bill amends references to escape¹⁷ from commitment facilities contained in ss. 985.207 and 985.208, F.S., to clarify that this offense, continues to apply only to escapes from residential facilities. If a youth leaves a minimum-risk probation program, he or she will be considered to have absconded from the DJJ’s supervision, and pursuant to s. 985.215(2)(a), F.S., an absconding youth may be taken into custody and detained.

¹⁶ Section 985.231(1)(a)1.a., F.S.

¹⁷ Section 985.3141, F.S.

Conditional release: The bill amends ss. 985.231(1)(a)d.3., and 985.316, F.S., to provide that conditional release continues, as in current law, to only apply to releases from residential commitment programs.

Commitment reports: The bill amends s. 985.231(1)(d), F.S., to provide that mandatory reports regarding a committed youth's treatment plan progress and adjustment-related issues may be provided to the court on a quarterly basis, unless the court requests monthly reports. Current law requires the reports to be given to the court on a monthly basis.

Cost of supervision and care: The bill amends s. 985.231(1)(a), F.S., to require courts to order parents of youth committed to the minimum-risk level to pay \$1 per day that the child is in such status. This same requirement exists in current law for home detention and probation.

Sexual offender task force: The bill repeals the Task Force on Juvenile Sexual Offenders and their Victims established in s. 985.403, F.S., as this task force no longer meets and has been in statute without being reenacted in excess of three years, which is the time limit imposed on statutory task forces under s. 20.03(8), F.S.

The bill reestablishes the task force in an undesignated section of law. Under the bill, the DJJ must provide administrative support to the task force, and the the Secretary of the DJJ or his or her designee is required to appoint up to twelve members to the task force. Nine of the members must consist of the following representation: a circuit court judge, state attorney, and public defender, who each have at least one year's experience in the juvenile division; one representative of the DJJ; two representatives of providers of juvenile sexual offender services; one member of the Florida Juvenile Justice Association; one licensed sex offender therapist; and one victim of a juvenile sex offense.

The bill requires the task force to make findings that include, but are not limited to: a profile of this state's juvenile sex offenders and of dispositions received; identification of statutes that address these offenders; identification of community-based and commitment programming available for these offenders and of such programming's effectiveness; the appropriateness and rehabilitative efficacy of placing these offenders in residential commitment programs; and identification of qualifications required for staff who serve these offenders. The bill further requires the task force, based on its findings, to make recommendations for how the state's laws, policies, programs, and funding for juvenile sexual offenders may be improved. These findings and recommendations must be reported to the Governor and Legislature by December 1, 2005.

The bill prohibits task force members from receiving salaries or travel and per diem expenses, and specifies that the task force is dissolved upon submission of its report.

Certification task force: The bill creates an undesignated section of law requiring the DJJ to establish, and provide administrative support to, a task force to study the certification of juvenile justice provider staff. The Secretary of the DJJ or his or her designee is required to appoint up to twelve members to the task force. Eight of the members must consist of the following representation: two representatives of the DJJ; two representatives of providers of juvenile justice services; two members of the Florida Juvenile Justice Association; and two representatives of the Florida Certification Board.

The bill requires the task force to consider, and make recommendations concerning, per diem levels, the occupational levels of staff subject to certification, the criteria that may be used to certify staff, the levels of certification, and a process for testing and validating the effectiveness of any recommended staff certification system. Additionally, the task force is required to make findings regarding the benefits of a staff certification system for this state's juvenile justice programming and the cost to implement such a system. These findings and recommendations must be reported to the Governor and Legislature by January 1, 2006.

The bill prohibits task force members from receiving salaries or travel and per diem expenses, and specifies that the task force is dissolved upon submission of its report.

Juvenile justice county councils and circuit boards: The bill amends s. 985.4135(10), F.S., to provide that the membership of juvenile justice county councils and circuit boards may, rather than must as in current law, consist of specified types of representation. Members of the councils and boards have indicated that it is sometimes impossible to find persons meeting the required representation criteria who are willing to become members.

C. SECTION DIRECTORY:

Section 1. – Amends s. 985.03, F.S.; adds subsection (15) to define “day treatment” as a probation, conditional release, or minimum-risk non-residential commitment program option; moves the description of day treatment probation program types contained in current subsection (43) to the definition of “day treatment” and adds that the description of day treatment program types is non-exclusive; changes the term “residential commitment” to “restrictiveness level” in newly renumbered subsection (46) , formerly subsection (45); creates paragraph (46)(a) to reinstate and defined the minimum-risk non-residential commitment level; amends newly renumbered paragraph (46)(d) to provide that youth in the high-risk residential level may be court approved for temporary release into the community for up to 72 continuous hours for specified purposes; amends newly renumbered subsection (57) to clarify that temporary release applies to residential commitments; makes technical grammatical and conforming changes; renumbers subsections and paragraphs.

Section 2. – Amends s. 985.207, F.S., to strike the term “commitment” and substitute a reference to s. 985.3141, F.S.; clarifies that the offense of escape from a commitment facility continues, as in current law, to only apply to escapes from residential commitment facilities.

Section 3. – Amends s. 985.208, F.S., to add the term “residential commitment”; clarifies that the offense of escape from a commitment facility continues, as in current law, to only apply to escapes from residential commitment facilities.

Section 4. – Amends s. 985.231(1) and (2), F.S.; amends sub-subparagraph (1)(a)1.a., which currently addresses probation, to strike the term “restrictiveness level” as the term is redefined to refer to commitment under the bill; amends sub-subparagraph (1)(a)3., to strike the term “residential commitment level” and substitute “restrictiveness level” to conform to the bill’s new definitions and permit a court to commit a youth to the minimum-risk non-residential level; amends sub-subparagraph (1)(a)3., to add the phrase “from residential commitment” to clarify that conditional release continues, as in current law, to only apply to releases from residential commitment programs; amends sub-subparagraph (1)(a)3., to strike the term “residential” so that courts are required to indicate in any commitment, non-residential or residential, whether a victim or victim’s sibling attends a committed delinquent’s public school; amends paragraph (1)(d) to provide that a minimum-risk non-residential commitment for a second degree misdemeanor may be for a period up to six months; amends paragraph (1)(d), to strike the term “residential” and adds the term “restrictiveness level” in order to conform to the bill’s new definitions; provides that commitment progress reports may be submitted to the court on a quarterly, rather than monthly, basis; amends (2) to correct a cross-reference; makes technical grammatical changes.

Section 5. – Amends s. 985.2311(1), F.S., to provide that parents of delinquent youth placed in the minimum-risk non-residential restrictiveness level must be court ordered to pay \$1 for each day that the youth is supervised.

Section 6. – Amends s. 985.316(3), F.S., to add the phrase “placed in a residential commitment program” to clarify that conditional release continues, as in current law, to only apply to releases from residential commitment programs.

Section 7. – Repeals s. 985.403, F.S., which establishes the Task Force on Juvenile Sexual Offenders and their Victims.

Section 8. – Creates an undesignated section of law to require the DJJ to establish the Task Force on Juvenile Sexual Offenders and their Victims by August 1, 2005; requires the task force to make findings and recommendations regarding specified issues; provides that the Secretary of the DJJ shall appoint up to 12 members to the task force and specifies required representation; requires the task force to submit a report to the Governor and the Legislature by December 1, 2005; provides that members shall not receive salaries and prohibits reimbursement for travel and per diem expenses; provides that the task force is dissolved upon submission of its report.

Section 9. – Creates an undesignated section of law to require the DJJ to establish a task force to study the certification of juvenile justice provider staff by August 1, 2005; requires the task force to make findings and recommendations regarding specified issues; provides that the Secretary of the DJJ shall appoint up to 12 members to the task force and specifies required representation; requires the task force to submit a report to the Governor and the Legislature by January 1, 2006; provides that members shall not receive salaries and prohibits reimbursement for travel and per diem expenses; provides that the task force is dissolved upon submission of its report.

Section 10. – Amends s. 985.4135(10), F.S., to provide that the membership of juvenile justice county councils and circuit boards may, rather than must as is provided in current law, consist of specified representation.

Sections 11. through 15. – Amends cross-references to conform to bill's amendments to s. 985.03, F.S., the definitional section for ch. 985, F.S.

Section 16. – Provides that the act takes effect on July 1, 2005.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill's creation of two task forces will not generate costs for the salary, travel, or per diem of members as such payments are prohibited by the bill. The DJJ estimates that it will cost \$800 to provide administrative support to the two task forces.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Day treatment program providers may receive an indeterminate increased number of delinquent youth referrals if courts begin selecting the minimum-risk non-residential level of commitment reinstated by

the bill, rather than a higher risk residential commitment level. In turn, residential program providers may realize an indeterminate decrease in the number of youth referred to their programs.

D. FISCAL COMMENTS:

The House version of the General Appropriations Act contains a net reduction of \$3.7 million from the elimination of 200 residential commitment beds and the addition of 200 lower-cost day treatment slots.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to require counties or cities to spend funds or take action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

The Juvenile Justice Committee adopted a committee substitute on March 30, 2005, which adds a requirement for the task force to study the certification of juvenile justice provider staff to consider, and make recommendations concerning, per diem levels.