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BILL



ANALYSIS

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Senate Bill 93 (as introduced 2-7-19)
Sponsor: Senator Stephanie Chang
Committee: Judiciary and Public Safety

Date Completed: 3-6-19

CONTENT

The bill would amend the Youth Rehabilitation Services Act to revise the definition of "public ward" to refer to acts committed before a youth's 18th, rather than 17th, birthday.

The Act governs the acceptance, care, and discharge of youths committed as public wards. "Public ward" means either of the following:

- A youth accepted for care by a youth agency who is at least 12 when committed to the agency by the family court if the act for which the youth was committed occurred before his or her 17th birthday.
- A youth accepted for care by a youth agency who is at least 14 when committed to the agency by the court, if the act for which the youth is committed occurred before his or her 17th birthday.

Under the bill, the term would apply to a youth described above if the act for which the youth was committed occurred before his or her 18th, rather than 17th, birthday.

The bill would take effect on January 1, 2021.

MCL 803.302

Legislative Analyst: Stephen Jackson

FISCAL IMPACT

As the bill would raise the age of a person considered a "public ward", there could be a decrease in the number of individuals who would be remanded to prison. If there were fewer dispositions to prison and an increase in county-level supervision, there would be a decrease in costs to the Michigan Department of Corrections (MDOC) with an offsetting increase in costs to the Michigan Department of Health and Human Services (DHHS) and local government.

For any decrease in prison intakes, in the short term, the marginal savings to State government would be approximately \$3,764 per prisoner per year. In the long term, if the decreased intake of prisoners reduced the total prisoner population enough to allow the MDOC to close a housing unit or an entire facility, the marginal savings to State government would be approximately \$34,550 per prisoner per year.

For DHHS facilities, over the course of a fiscal year, the State serves approximately 250 juveniles in two State-run juvenile facilities. There also are private agency facilities that provide placement options for youths found responsible for their offenses. The marginal cost for placement in these facilities is not known, but since the fixed costs of these facilities are spread over a much smaller population base compared to the MDOC facilities, these marginal costs likely would be higher than for placements in a larger adult correctional facility. If there is a larger cost for placement in the MDOC facilities than in the DHHS or private facilities, then there would be savings to the State. If the DHHS or private placements are more expensive than the MDOC placement, there would be a cost to the State. The solely-DHHS-supervised individuals are considered State ward board and care (SWBC) cases and the costs are shared between the counties and State. In this arrangement, the State pays first and the counties are reimbursed 50% of the costs, if there is no cost allocation methodology change.

Additionally, there are court wards who could be under the supervision of the court or the DHHS. These individuals also are funded through a cost-sharing regime between the State and local government similar to the SWBC individuals, except in the case of the court wards, the counties pay first and are reimbursed 50% of the costs by the State under the Child Care Fund (CCF) payment system, if there is no cost allocation methodology change. Any 17-year-old offender who otherwise would have been supervised by the MDOC and, under the bill, would be considered a juvenile, his or her supervision would be funded through the SWBC or CCF, depending on the outcome of his or her delinquency proceedings.

Fiscal Analyst: Joe Carrasco
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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.