

SB

178

FISCAL NOTE

**STATE OF ALASKA
2001 LEGISLATIVE SESSION**

Fiscal Note Number: _____
 Bill Version: SB 178
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Health & Social Services
 Title: Relating to the Detention of Minors BRU: Juvenile Justice
 Component: Delinquency Prevention
 Sponsor: Therriault
 Requester: _____ Component Number: 248

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporar						

ANALYSIS: (Attach a separate page if necessary)

Alaska receives approximately \$670,000 per year through the Juvenile Justice and Delinquency Prevention Act (Act) formula grant program which supports activities related to the four mandate areas under the Act: 1. Deinstitutionalization of status offenders, 2. Separation of juveniles from adult offenders, 3. Removing juveniles from adult jail and lockup facilities, and 4. Disproportionate minority confinement. If a state fails to comply with standards set for each of these four mandates, a grant withholding penalty of 25% is assessed against the formula grant total for each mandate in which the state is found to be in non-compliance. Additionally, failure to correct areas of non-compliance will require all remaining funds be directed to efforts to bring the state into compliance with the Act.

Prepared by: George Buhite, Director Phone 465-1385
 Division: Juvenile Justice Date/Time 3/14/01 7:58 AM
 Approved by: Karen Perdue, Commissioner Date 4/11/01 1:36 PM
 Agency: Department of Health & Social Services

For distribution information, call the Governor's Legislative Office

ANALYSIS: (continued)

Alaska has difficulty meeting the established compliance standards related to the removal of juveniles from adult jails and lockup facilities. Because of Alaska's expansive geography, limited transportation services in many rural parts of the state, adverse weather conditions which impact transportation, and the fact there are only 6 youth detention facilities in Alaska, the state stands to lose approximately \$168.0 in federal grant receipts due to non-compliance with jail removal mandates under the JJDP Act.

The Act allows a state to receive full formula grant funding if, through application of certain compliance exceptions, the number of violations remain below the limits set by federal regulation. In order to take advantage of the jail removal compliance exceptions the state must have a law requiring that juveniles placed in an adult facility be brought before the court within 24 hours of their placement. These exceptions provide a set of allowable circumstances under which a juvenile may be held in an adult facility without incurring a non-compliance violation of the jail removal mandate of the Act. These exceptions allow a juvenile to be held for longer periods as a result of limited transportation services, adverse weather conditions or other circumstances which contribute to delays in moving juvenile offenders out of inappropriate adult facilities into youth detention facilities. This bill proposal would enact a 24 hour arraignment in these juvenile cases, places the mandate exceptions provided in the federal regulations in state statute, and would preserve Alaska's ability to claim full funding of the federal grant award under the Act.

**SENATE COMMITTEE REPORT,
First Committee of Referral**

DATE: April 6, 2001

FURTHER: Judiciary

Date of 5-Day Notice: _____
(in accordance with Uniform Rule 23)

DATE TURNED
IN TO OFFICE: 04/20/01

Health, Education and Social Services Committee considered SENATE BILL NO. 178

DETENTION OF DELINQUENT MINORS

"An Act relating to the detention of delinquent minors and to temporary detention hearings; amending Rule 12, Alaska Delinquency Rules; and providing for an effective date."

and recommends:

- be replaced with _____ CS _____ (_____)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

Senate Bill:

- same title
- new title

House Bill:

- same title
- technical title
- new: SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Zero	FN#
Health & Social Svc	4/12/01		X	1

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<i>[Signature]</i>	✓			
<i>[Signature]</i>				
<i>[Signature]</i>	✓			
<i>Bettye Davis</i>	✓			
CHAIR: <i>[Signature]</i>	✓			

Alaska State Legislature

SENATOR
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Senate

White in session
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Senate District Q

Senate Bill 178

"An Act relating to the detention of delinquent minors and to temporary detention hearings; amending Rule 12, Alaska Delinquency Rules; and providing for an effective date."

SPONSOR: Senator Gene Therriault

SPONSOR STATEMENT:

The State of Alaska receives federal formula grant funding to implement the mandates of the Juvenile Justice and Delinquency Prevention Act of 1974. The four mandates of the Act include:

- Deinstitutionalization of status offender.
- Sight and sound separation of juveniles from adult offenders
- Removing juveniles from adult jail and lockup facilities
- Addressing disproportionate minority confinement

Alaska funds a variety of community based delinquency response services to meet these mandates including electronic monitoring programs, attendant care shelters and non-secure hold services, mentoring and community accountability courts.

Alaska stands to lose \$168,000 of these federal formula funds because of the number of youth temporarily held in rural and remote adult jails throughout Alaska prior to an initial court hearing and transport to a youth facility. This noncompliance could mean that Alaska will also lose discretion on how \$504,000 of federal money may be used. Federal law will require these funds to be rerouted and used to bring the state into compliance.

When a juvenile commits a serious offense in a rural or remote community, they may need to be detained upon arrest in order to protect the public. There are only 6 juvenile detention centers throughout Alaska, so serious juvenile offenders in remote communities often end up in village adult lockup facilities awaiting relocation to a juvenile facility. Federal regulations require that juveniles in adult facilities be held for no more than 24 hours; however, the regulations also allow a state to extend those time limits because of adverse weather, limited transportation options, and other conditions. Such an extension is only available in states where the juvenile must make an initial appearance in court within 24 hours of their arrest.

SB 178 would require an initial appearance in court within 24 hours for juveniles placed in an adult jail or lockup and would place the federal regulation exception language into state statute. This change would give Alaska the ability to claim certain exceptions to the federal mandates, preserve the state's eligibility for 100% of the federal formula grant allocation, but would not allow juveniles to be held in adult facilities any longer than is absolutely necessary.

Alaska State Legislature

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Senate

SB 178

Briefing Paper

While in session
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Senate District Q

- Alaska exceeds the number of violations associated with excessive time limits for juveniles held in adult jails or lockups. This jeopardizes Alaska's continued receipt of federal formula delinquency prevention grant funds.
 - Federal Formula Grant totals \$672.0
 - Grant funds support: attendant care shelters; mentoring programs; electronic monitoring; youth and elders courts.
- The Juvenile Justice and Delinquency Prevention Act of 1974 creates 4 primary mandates, including the removal of juveniles from adult jails. The regulations for the Act allow a state to claim certain exceptions to specified time limits if the state enacts a 24 hour arraignment for juveniles held in adult jails or lockups.
 - Senator Stevens Alaska Exemption to the 24 hour arraignment rule for juveniles in adult jails and lockups expire September, 2002.
- SB 178 established a 24 hour arraignment requirement for juveniles arrested and held in rural and remote adult jails and holding facilities and puts the federal regulation time exception language in the Delinquency statutes.
- SB 178 would not extend the periods of time for which juveniles might be held in adult lockups. Officials would continue to move juveniles from remote locations into regional juvenile detention centers as quickly and safely as possible. SB 178 simply gives Alaska access to regulatory time exceptions which lower violation rates and preserve federal funding.
- Youth held in juvenile detention centers would continue to be arraigned within 48 hours as provided under the current statute.
 - Establishing a two level delinquency arraignment system minimizes the fiscal impact and preserves Alaska's eligibility for full federal formula grant funding.
 - There were 2,728 juveniles detained in FY 2000. 222 of these were held for various periods of time in adult jails or lockups, most were moved to juvenile detention facilities within allowable time limits.
 - The violation rate can not be more than 9 "non-conforming" holds per 100,000 population. This would put Alaska's rate at 19.5. In FY 1998 we had a violation rate of 29.5 and in FY 1997 the violation rate was 38.2. These violations would be under the 19.5 rate if Alaska could claim the exceptions provided through enactment of a 24 hour arraignment for juveniles held in adult jails or lockups.

FY00 Detention Episodes - All events data - Source UAA.xls

CRIME * ADULTFAC Crosstabulation

CRIME	Juvenile Facility	Adult Facility	Total
2 ARSON	4	1	5
3 ASSAULT	394	18	412
5 BENCH WARRANT	147	16	163
7 BURGLARY	105	15	120
9 CINA	4		4
10 CONCEALMENT	4	7	11
11 CONTEMPT OF CT	2		2
12 CT ORDER	16	2	18
13 CRIM MSCHF	72	2	74
14 CRIM TRESP	21	3	24
16 DETENT ORDER	8		8
19 DISORD CONDUCT	17	3	20
20 DWOL	15	2	17
21 DWLS		8	8
22 DWI	28	12	40
26 FTA	14		14
29 FORGERY	5		5
31 HARRASSMENT	1		1
33 KIDNAP		1	1
35 MCA/MIP	9	11	20
36 MISCON W/WEAP	24		24
37 MICS	61	16	77
38 NONCRIM		4	4
41 PROB VIOL	592	17	609
42 PC-UNQUALIFIED	19	18	37
43 PC-ALC	104	11	115
44 PC-MENTAL	18	5	23
47 RECKLS DRIV	8	3	11
48 RESISTING ARR	18		18
49 RIOTING	1		1
50 ROBBERY	13		13
51 RUNAWAY	1		1
52 SALE OF ALCH	1		1
53 SERVE TIME	5	3	8
54 SEX ASSAULT	15	2	17
55 SEX AB OF MINOR	19	3	22
57 THEFT	190	9	199
58 TRAFFIC-OTHR	39		39
59 VOVCOR	11		11
60 VCR	108	1	109
61 MURDER	8	1	9
62 BW-FTA	56	6	62
63 BW-TRAFFIC	1		1
64 BW-PROB VIOL	96		96
65 WEAPONS	2		2
68 MTR VHCL THEFT	35	1	36
69 ESCAPE	3		3
71 TERRSTC THRT	6	2	8

FY00 Detention Episodes - All events data - Source UAA.xls

72 CRIM NEG BURN	1		1
77 CRIMINAL CHARGE:UNSPECIFIED	1		1
82 False Information	2		2
84 Attempted Murder	1		1
86 unlawful evasion	2		2
88 out of state crim warr	1		1
90 PRG DISCIPLN	43		43
91 MED TRANSFER	3		3
92 TRANSFER FR CTHR FAC	36		36
93 ON PASS	3		3
100 coercion	1		1
102 temp hold	2		2
103 municipal ord. violation	5		5
104 INS hold for deportation		2	2
107 warrent interstate cina	1		1
108 Violation DV restraining order	4		4
112 possession of stolen property	1		1
113 indecent viewing peeping tom	1		1
114 pre release program	1		1
115 traffic criminal	17		17
116 Domestic Violence	60	17	77
Total	2506	222	2728