

HB

487

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: HB 487
 (H) Publish Date: 2/16/04
 Dept. Affected: Health & Social Services
 RDU: Juvenile Justice
 Component: Delinquency Prevention

Revision Date/Time (Note if correction):

Title: RELATING TO DETENTION OF JUVENILES

Sponsor: (RLS) BY REQUEST OF THE GOVERNOR

Requester: _____

Component No. 248

Expenditures/Revenues

(Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
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						
CHANGE IN REVENUES (0)						

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1037 GF/Mental Health						
Other(Specify Type-do not abbreviate)						
Other(Specify Type-do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2004) cost: _____

Mark this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The proposed changes to statute will have no fiscal impact on the Division of Juvenile Justice. The proposed changes will put the state in compliance with the federal Juvenile Justice and Delinquency Act (JJQPA) formula grant program.

Prepared by: Karen Forrest
 Division: Juvenile Justice
 Approved by: Joel S. Gilbertson, Commissioner
 Agency: Department of Health and Social Services

Phone: 465-2339
 Date/Time: 02/11/2004
 Date: 02/12/2004

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 2
 Bill Version: HE 487
 (H) Publish Date: 2/16/04

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
 Title Juvenile Detention RDU Alaska State Troopers
 Component AST Detachments
 Sponsor Rules Committee
 Requester Governor Component No. 2325

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
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						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2004) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill will amend AS 47.12.240, AS 47.30.705 and AS 47.37.170. The stated purpose of this bill is to preserve Alaska's federal formula grant receipts of approximately \$700,000 and to meet certain requirements to apply for other federal grant money. The bill, in essence, states that "emergency protective custody under these sections may not include placement of a minor in a jail or secure facility". The bill addresses minors who are taken into protective custody for mental health issues or those in protective custody due to intoxication because of drugs or alcohol.

The Department of Health and Social Service, Division of Juvenile Justice, has committed to supplying training and training materials to law enforcement officers to insure compliance with this statute.

There is no fiscal impact anticipated by the Department of Public Safety.

Prepared by: Lt. Al Storey Phone 269-4532
 Division Alaska State Troopers Date/Time 2/12/04 3:19 PM
 Approved by: Commissioner William Tandeske Date 2/12/2004
 Agency Department of Public Safety

SB 340 /HB 487 Relating to the Detention of Juveniles
Department of Health and Social Services
Division of Juvenile Justice- 2/20/04

Highlights related to the Proposed Legislation:

- ❖ Modifies AS 47.12.240, AS 47.30.705 and AS 47.37.170 to prohibit the placement of minors in a jail or secure facility who are in protective custody due to mental illness, grave disability, intoxication or incapacitation by alcohol or drugs.
- ❖ Required for DHSS/DJJ to be in compliance with the 2002 reauthorization of the federal Juvenile Justice and Delinquency Prevention Act of 1974 (JJDP) that went into effect on October 1, 2003.
- ❖ Does not affect existing statutory provisions for the detention of minors for delinquent or "criminal-type" offenses described in AS 47.12.240. The emphasis is on ensuring that state statute comports with the federal requirements for not holding non-offenders in a locked facility when they have not committed a crime.

Background:

DHSS, DJJ receives approximately \$700,00 annually through the federal Juvenile Justice and Delinquency Prevention Act (JJDP) formula grant program. Funds are used to pay for a variety of services, including nonsecure shelters and prevention/intervention services for juveniles. States receiving JJDP funds must meet four core juvenile justice mandates. The mandates along with the actual numerical standards for "violations" are:

- a. Deinstitutionalization of status offenders and non-offenders: 5.7 per 100,000;
- b. Separation of juveniles from adult offenders in institutions: Zero (0);
- c. Removal of juveniles from adult jails and lockup facilities: 9.0 per 100,000;
- d. Reduction of disproportionate minority contact: no statistical de minimis.

Alaska is currently out of compliance with these standards at a fairly significant rate. Violation rates for the first three core mandates in FY02 and FY03 are as follows:

- a. Deinstitutionalization: FY02 at 47.70 and FY03 at 37.82;
- b. Separation from Adult offenders: FY02 at 21.35 and FY03 at 4.1; and,
- c. Jail Removal: FY02 at 68.08 and FY03 at 47.05.

Without passage of this legislation, the Department will lose 40% of the FFY2004 grant award, or \$280,000 in the first year and an additional 40% of the FFY2005 award, for a total anticipated loss of \$560.0 in federal grant funds.

If violations of the JJDP Act are incurred once the statute is changed, the argument can be made to OJJDP that all violations were in violation of existing state law, which is an allowable "exception" to the de minimum numerical standards for monitoring compliance with the JJDP Act.

The change in state statute is consistent with best practice, i.e. juveniles should not be held in a locked facility when they have not committed a crime.

The Division will continue to work with local and state law enforcement, as well as within this Department with the Division of Behavioral Health, to further develop the alternatives that will provide the appropriate response for these juveniles.

Subject: Support for SB340 - Dentention of Minors

Date: Tue, 2 Mar 2004 14:26:05 -0900

From: "Schultz, Anne G." <Anne_Schultz@health.state.ak.us>

To: "Vanessa_Tondini@legis.state.ak.us" <Vanessa_Tondini@legis.state.ak.us>

Dear Vanessa:

Will you please pass on to House Judiciary Committee members the following message regarding SB 340?

Advisory Board members were able to visit with many legislators during their Juneau meeting last week. Their packets included their top five legislative priorities for this session. One of the bills they strongly support is SB 340. This issue has been a priority for board members for a number of years. They have asked that I reaffirm their support for this bill as you address it in committee on Friday, March 5 at 1 pm..

Thank you for your assistance. Including this message in members' meeting packets will be greatly appreciated.

Anne Schultz

Acting Executive Director

Advisory Board on Alcoholism and Drug Abuse

PO Box 110608

Juneau AK 99811 - 0608

(907) 465-5114 or 1-888-464-8920

Fax: (07) 465-4410

STATE OF ALASKA

DEPT. OF HEALTH AND SOCIAL SERVICES

OFFICE OF THE COMMISSIONER

FRANK H. MURKOWSKI, GOVERNOR

P.O. BOX 110601
JUNEAU, ALASKA 99811-0601
PHONE: (907) 465-3030
FAX: (907) 465-3068

February 17, 2004

Honorable Lesil McGuire, Chair
House Judiciary Committee
Alaska State Capitol; Rm. 118
Juneau, AK 99801-1182

Dear Representative McGuire,

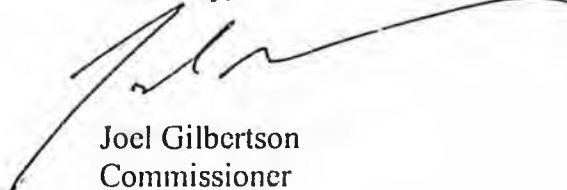
The Department of Health and Social Services respectfully requests a hearing in the House Judiciary Committee on House Bill 487 "An Act relating to the detention of delinquent minors in correctional facilities; relating to emergency detention of minors for evaluation for involuntary admission for mental health treatment; relating to detention of intoxicated minors incapacitated by alcohol or drugs; and providing for an effective date."

The purpose of this bill is to bring Alaska into compliance with recent revisions to the federal Juvenile Justice and Delinquency Act. Under the Act, emergency protective custody of juveniles may not include placement in a locked jail or youth facility. Failure to comply with this federal requirement jeopardizes receipt of approximately \$700,000 in federal funds that are a cornerstone of the department's juvenile justice program.

The Governor's transmittal letter and zero fiscal note relating to HB 487 are on file with the committee.

Your favorable consideration of this request will be appreciated.

Sincerely,



Joel Gilbertson
Commissioner

cc: Mike Tibbles, Director
Legislative Office, Office of the Governor
Patty Ware, Director, DJJ

STATE OF ALASKA

DEPT. OF HEALTH AND SOCIAL SERVICES

DIVISION OF ADMINISTRATIVE SERVICES

FRANK H. MURKOWSKI, GOVERNOR

P.O. BOX 1100
JUNEAU, ALASKA 99811-0650
PHONE: (907) 465-3082
FAX: (907) 465-2199

March 25, 2004

The Honorable Lesil McGuire, Chair
The Honorable Tom Anderson, Vice-Chair
House Judiciary Committee
State Capitol, Room 118, 432
Juneau, AK 99801-1182

Dear Representatives McGuire and Anderson:

The following information is provided in response to questions raised during the House Judiciary meeting with the Division of Juvenile Justice on HB 487, Relating to Detention of Minors:

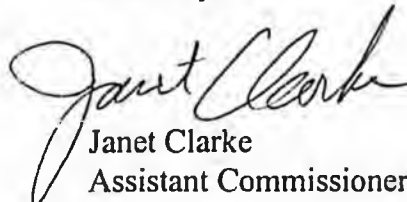
How did the definition for "gravely disabled" become part of the mental health statute, AS 47.30.915? Is "gravely disabled" associated at all with a physical disability?

It is not clear how the phrase "gravely disabled" became part of AS 47.30.915. However, it is generally assumed that at some point the Department needed a codified provision to primarily protect individuals who demonstrate such a profound diminished mental capacity so as to pose a danger to themselves through self-neglect.

Gravely disabled is not directly related to a physical disability. Instead it is behavior due to a mental disorder. Examples include people who are too confused to feed themselves, clothe themselves in the winter, walk outside without clothes on in freezing weather, walk into traffic without paying attention to traffic, smoke in bed and fall asleep in bed while smoking, or walk into the woods and get lost.

If you need additional information or require further clarification, please contact me at 465-1630.

Sincerely,


Janet Clarke
Assistant Commissioner

cc: Representative Jim Holm, Capitol Building, Room 416
Representative Dan Ogg, Capitol Building, Room 409
Representative Ralph Samuels, Capitol Building, Room 412
Representative Les Gara, Capitol Building, Room 422
Representative Max Gruenberg, Capitol Building, Room 112
Joel Gilbertson, Commissioner
Sherry Hill, Special Assistant
Patty Ware, Director, Juvenile Justice
Bill Hogan, Director, Behavioral Health
Laura Baker, Budget Chief, Administrative Services

Log 110/2004