

SB

340



# FISCAL NOTE

**STATE OF ALASKA**  
**2004 LEGISLATIVE SESSION**

Fiscal Note Number: 1  
 Bill Version: SB 340  
 ( S ) 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						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>CAPITAL EXPENDITURES</b>						
<b>CHANGE IN REVENUES (0)</b>						

**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)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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 (JJDA) formula grant program.

Prepared by: Karen Forrest Phone 465-2339  
 Division Juvenile Justice Date/Time 02/11/2004  
 Approved by: Joel S. Gilbertson, Commissioner Date 02/12/2004  
 Agency Department of Health and Social Services

# FISCAL NOTE

**STATE OF ALASKA**  
**2004 LEGISLATIVE SESSION**

Fiscal Note Number: 2  
Bill Version: SB 340  
(S) 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						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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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--Do not abbreviate)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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  
Division: Alaska State Troopers  
Approved by: Commissioner William Tandeske  
Agency: Department of Public Safety

Phone 269-4532  
Date/Time 2/12/04 3:19 PM  
Date 2/12/2004

Department of Health and Social Services  
Division of Juvenile Justice  
Information Packet for SB 340/ HB 487

- ❖ Transmittal letter from the Governor (Senate)- Dated 2/16/04
- ❖ Copy of SB 340: This bill is identical to the House version (HB 487)
- ❖ SB 340 is scheduled for the third reading in the Senate on 4/27/04
- ❖ House Committee Action on HB 487: Copy of the bill history included; passed through House Judiciary with 5 DP; Passed House Finance with 4 DP, 4 NR
- ❖ DHSS/ Division of Juvenile Justice Legislative Fact Sheet included
- ❖ Division of Juvenile Justice alternative non-secure shelter location options attached

SB 340 /HB 487 Relating to the Detention of Juveniles  
Department of Health and Social Services  
Division of Juvenile Justice- 4/26/04

**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 \$700,000 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 minimis 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.

Division of Juvenile Justice Non-Secure Shelter Grants

<u>Provider</u>	<u>Service Area</u>	<u># FY02 Clients</u>	<u># FY03 Clients</u>	<u>FY04 Awards*</u>
Fairbanks Native Association	Fairbanks	94	62	27,000
Juneau Youth Services	Juneau	39	19	15,000
Kenai Peninsula Community Care Center	Kenai Peninsula	178	163	50,000
Kodiak Youth Services Center	Kodiak	5	2	8,000
Residential Youth Care	Ketchikan	24	8	23,000
Valdez Counseling Center	Valdez	(no award)	0	6,000
Youth Advocates of Silka	Silka	19	15	12,000
North Slope Borough	Barrow	7	11	(in process)
Wrangell, City of	Wrangell	1	1	(no award)
Totals		367	281	141,000

\*Funds purchase actual services and limited administrative costs only, so awards not fully expended when service is underutilized.

Working to establish or re-establish shelters in: Mat-Su Borough (provider agreement signed 1/04) Anchorage Barrow Wrangell Dillingham Kotzebue
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updated 4/26/04