

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 453 - SB 934

March 16, 2013

**SUMMARY OF BILL:** Authorizes a juvenile court to assign a long-term mentor to a child that is found to be a delinquent child based on conduct involving the use of a firearm or to require that the child or any of the child's family members receive counseling services from the Department of Children's Services (DCS), the juvenile court, or any private counseling services provided through and approved by the juvenile court. The cost of the long-term mentor is to be paid from the resources of the court or DCS, or to be provided by a volunteer mentoring program designed specifically to serve delinquent children and approved by the juvenile court. Authorizes a court to transfer a child 16 years of age or older to be tried as an adult in a criminal court of competent jurisdiction for any offense involving the use of a firearm. The Commissioner of Children's Services is authorized to develop and institute courses of instruction and training in canine behavior within the youth development centers.

**ESTIMATED FISCAL IMPACT:**

**Increased State Expenditures - \$846,200**

**Increased Federal Expenditures - \$71,800**

**Other Fiscal Impact - The number of children that might receive counseling and mentoring services through a juvenile court cannot be quantified. Local government expenditures could increase if a juvenile court chooses to provide these services.**

Assumptions:

- DCS estimates that 68 children in DCS custody would be impacted by this bill because they have a specific weapons charge or have committed a crime where typically the weapon used is a gun. DCS may house and provide services to children who are sentenced as adults until they reach the age of 18.
- According to DCS, mentoring and counseling sessions cost \$75 per hour. DCS estimates that one child will receive 12 hours of mentoring and counseling per month for a year for a total of 144 hours per child (12 hours x 12 months).
- It is estimated that the counseling and mentoring program will increase state expenditures by approximately \$734,400 [68 x (144 hours x \$75)]. The counseling and mentoring program will not be eligible for the federal funding provided for out of home care.

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- According to DCS, the counseling and mentoring services will lengthen the 68 children's stay in custody an average of 30 days. The total number of additional days will be approximately 2,040.
- According to DCS, the average cost of a child in custody per day is \$90 result in a recurring increase in expenditures of approximately \$183,600 (\$90 x 2,040).
- Of the \$183,600, seven percent (\$12,852) will be Title IV-E federal funds; 49 percent (\$89,964) will be TennCare funds; and 44 percent (\$80,784) will be state funds.
- Of the \$89,964 TennCare funding, \$31,038 will be state funds at a 34.5 percent rate and \$58,926 will be federal funds at a 65.5 percent match rate.
- According to the T.B.I. online crime statistics provided by the Administrative Office of the Courts, 307 children were arrested in 2011 for offenses where the arrestee was armed with a firearm.
- According to the Tennessee Council of Juvenile and Family Court Judges (TCJFCJ) Annual Statistical Report for 2011, approximately 23 percent of referrals for illegal conduct offenses are substantiated delinquent.
- It is estimated that approximately 71 children (307 arrestees x .23) will be adjudicated to be delinquent for an offense involving the use of a firearm.
- The number of children that might receive counseling and mentoring services through a juvenile court or private services cannot be quantified. Local government expenditures could increase if a juvenile court chooses to provide these services.
- According to the Administrative Office of the Courts, there are no statistics available to the AOC to determine the number of youths that would be subject to a transfer hearing. It is estimated that the number of transfers could be accommodated within existing judicial resources without an increased appropriation or reduced reversion.
- It is estimated that total increased state expenditures will be \$846,222 (\$734,400 + \$80,784 + \$31,038).
- It is estimated that total increased federal expenditures will be \$71,778 (\$12,852 + \$58,926).

## **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.



Lucian D. Geise, Executive Director

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