

Legislative Analysis



RAISE THE AGE

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

Senate Bill 84 (S-1) as reported from House committee
Sponsor: Sen. Curtis S. VanderWall

Analysis available at
<http://www.legislature.mi.gov>

Senate Bill 90 (H-1) as reported
Sponsor: Sen. Peter J. Lucido

Senate Bill 93 (S-1) as reported
Sponsor: Sen. Stephanie Chang

Senate Bill 100 (H-1) as reported
Sponsor: Sen. Peter J. Lucido

Senate Bill 97 (H-1) as reported
Sponsor: Sen. Curtis Hertel, Jr.

Senate Bill 101 (H-1) as reported
Sponsor: Sen. Peter J. Lucido

Senate Bill 99 (H-1) as reported
Sponsor: Sen. Ruth Johnson

Senate Bill 102 (H-1) as reported
Sponsor: Sen. Sylvia Santana

House Committee: Judiciary
Senate Committee: Judiciary and Public Safety
Complete to 10-15-19

SUMMARY:

The bills would amend existing provisions or add new sections to various acts to raise the age of who is considered to be a juvenile for purposes of adjudication or prosecution of criminal offenses, and the age that determines where a juvenile is to be detained, from children under 17 years of age to those under 18. (See **Brief Discussion**, below, for an overview of the juvenile justice system.)

Each of the bills would take effect October 1, 2021.

Senate Bill 84 would amend the definition of “adult” in the Michigan Indigent Defense Commission Act to change references to an individual “17 years of age or older” to “18 years of age or older” and “less than 17 years of age” to “less than 18 years of age.”

MCL 780.983

Senate Bill 90 would amend the Juvenile Code within the Probate Code to do the following:

- Raise the age in the definition of “juvenile.” “Juvenile” would mean a person who is less than 18 years of age (rather than less than 17) who is the subject of a delinquency petition. (The term does not include a juvenile who has been waived to adult criminal court to be tried and sentenced as an adult.)
- Raise the age (from 16 to 17) of a person whose criminal case must be transferred to the Family Division of Circuit Court. Currently, if a person is found to be under

the age of 17 while he or she is being charged with a crime in a court other than the Family Division, the case must be transferred to the Family Division without delay. The bill would apply this provision to a person under *18 years of age*.

MCL 712A.1 and 712A.3

Senate Bill 93 would amend the Youth Rehabilitation Act. Currently, to meet the definition of “public ward,” a court must acquire jurisdiction over the youth, and the act for which the youth is being committed must occur, before the youth’s seventeenth birthday. The bill would raise the age to apply to the court’s obtaining jurisdiction over the youth, and to acts committed, before the youth’s eighteenth birthday.

MCL 803.302

Senate Bill 97 would amend the Juvenile Code within the Probate Code. Currently, in certain circumstances, juveniles under the age of 17 may be housed in a jail, prison, or other place of detention used to house adults as long as the juveniles are physically separated (out of sight and sound) from the adult offenders. The bill would revise provisions within the Juvenile Code pertaining to the detention or incarceration of juveniles under the age of 17 years to instead apply to juveniles under the age of 18 and would delete two obsolete provisions pertaining to foster care home services.

MCL 712A.14 and 712A.15

Senate Bill 99 would amend Chapter IV of the Code of Criminal Procedure. Under the bill, for violations of a personal protection order related to domestic violence or stalking, a person less than 18 (instead of less than 17) who is the subject of the PPO would be subject to dispositional alternatives listed in the Juvenile Code. An individual 18 years of age and older (instead of 17 years of age and older) would be subject to criminal contempt of court.

The bill is tie-barred to Senate Bills 84 and 90 and House Bills 4134, 4142, and 4145. A tie-bar means that a bill cannot become law unless each bill to which it is tie-barred is also enacted into law. [House Bill 4134 would, among other things, eliminate a provision that currently allows a juvenile or person less than 17 to be held in a jail if separated from adult offenders. House Bills 4142 and 4145 are identical to Senate Bills 94 and 98.]

MCL 764.15b

Senate Bill 100 would amend a provision of the Juvenile Code within the Probate Code pertaining to commission of a *specified juvenile violation* to apply to juveniles less than 18 years of age (rather than under 17).

Specified juvenile violation refers to a list of more serious offenses, such as rape, arson, assault with the intent to commit murder, and armed robbery, among others.

The bill would grant the Family Division of Circuit Court exclusive original jurisdiction over a juvenile under 18 years of age (instead of juveniles under 17) in certain circumstances, including truancy, running away from home, and disobedience to his or her parents or guardian. The court would also have jurisdiction over a juvenile under 18 years of age (instead of under 17) when a juvenile over 14 years of age is charged with a specified juvenile violation and the prosecuting attorney files a petition in the court instead of authorizing a complaint and warrant (known as an *automatic waiver*) to waive the juvenile to adult criminal court. (See **Brief Discussion**, below).

The bill is tie-barred to House Bills 4443 and 4452, which means that it cannot take effect unless those bills are also enacted. [House Bills 4443 and 4452 would amend the Code of Criminal Procedure and Revised Judicature Act, respectively, to similarly revise the definition of “specified juvenile violation” in those acts and to raise the age of a juvenile subject to an automatic waiver to adult court from 16 to 17 years of age.]

MCL 712A.2

Senate Bill 101 would amend the Social Welfare Act to revise the manner in which funding is provided to counties related to providing juvenile justice services to juveniles to incorporate services provided to a juvenile who was at least 17 years of age, but under 18 years old, who would become eligible for such services under the Raise the Age legislation.

Generally speaking, the Social Welfare Act establishes a juvenile justice funding system for counties that are not county juvenile agencies that is administered by the Department of Health and Human Services (DHHS). The funding system includes establishment of a child care fund. The act provides for the distribution of money appropriated by the legislature to reimburse counties for the cost of providing juvenile justice services. Juvenile justice services include such things as intake, detention, detention alternatives, probation, foster care, and diagnostic evaluation and treatment. For a county that is not a county juvenile agency, the amount distributed, with some exceptions, must equal 50% of the annual expenditures from the county's child care fund. This provision would not be amended by the bill.

However, beginning October 1, 2021 (the date the bills in the Raise the Age package would take effect), the bill would require the state to pay 100% of the cost to provide juvenile justice services when a court (Family Division of Circuit Court) exercises jurisdiction over a juvenile who is at least 17 years old, but under 18, at the time of the offense. For those youth under the court's jurisdiction for a criminal offense, or if under concurrent jurisdiction with an adult court for certain delinquency activities, the costs must include all expenditures listed in section 117a(4)(b) until such time as the court's jurisdiction is terminated. The bill specifies that there would be no change in funding provided for juveniles who are under 17 years old at the time of the offense.

[Section 117a(4)(b) lists the costs to be reimbursed for expenditures for children not placed with the MDHHS for care, supervision, or placement. Expenditures listed include direct expenditures for out-of-home and in-home care and administrative or indirect expenditures

for out-of-home and in-home care. See the act for a complete list of expenditures required to be included under each category.]

Beginning October 1, 2025, the reimbursement rate for all juveniles would change to a new percentage rate. Using data from FY 2022, FY 2023, and FY 2024, the new rate would be calculated as the quotient of the following:

- The sum of the total state expenditures under section 117a(4)(c) for juveniles under age 17 at the time of the offense and the total expenditures for 17-year-old juveniles under section 117a.
- Divided by the total expenditures under section 117a for all eligible juveniles.

MCL 400.117a

Senate Bill 102 would add a new section to the Social Welfare Act to create the Raise the Age Fund, which would reimburse a county, court, or tribe for costs related to providing services under the “Raise the Age” legislation that are not eligible for reimbursement from the Child Care Fund.

The Raise the Age Fund would be created within the state treasury. Money or other assets from any source could be received by the treasurer for deposit into the fund. The treasurer would direct investment of the fund and credit to it interest and earnings from the fund’s investments. Money in the Raise the Age Fund at the close of a fiscal year would remain in the fund and not lapse to the general fund.

The Department of Health and Human Services (DHHS) would administer the Raise the Age Fund. The department would expend money from the fund, as appropriated by the legislature, to support the cost of raising the age of criminal responsibility for costs not eligible for reimbursement through the Child Care Fund as provided in the act (section 117a(4)(j)). Eligible costs would include those listed and associated with a court exercising jurisdiction under section 2 of the Juvenile Code (within the Probate Code) *over a juvenile who is 17 years of age but under the age of 18 at the time of the offense*. A request for reimbursement would have to be accompanied by substantiating documentation, as determined by DHHS.

A county, court, or tribe receiving money from the Raise the Age Fund would have to report expenditures made with the money. The report would have to include at least the following:

- Personnel costs for staff providing direct services to the youth, including full or appropriately prorated salaries and training.
- Contracted staffing, programming, and services.
- Youth placement and care costs, including at least room and board, clothing, incidentals, incentives, transportation, and treatment.
- Indirect administrative costs, including at least judicial staff and operational expenditures necessary to carry out the judicial process.

Proposed MCL 400.117i

BACKGROUND INFORMATION:

As a package, the bills are similar to the House-passed versions of HBs 4133, 4137 to 4141, and 4144. The legislation is a reintroduction of House Bills 4607, 4664, 4676, 4744, 4685, 4753, and 6396 of the 2017-18 legislative session and House Bills 4947, 4950, 4952, 4953, 4957, 4962, and 4964 of the 2015-16 legislative session.

BRIEF DISCUSSION:

The juvenile court process is quite different from the process in place for adults. Currently defined as a person less than 17 years of age, a juvenile who commits a criminal offense is typically adjudicated in the Family Division of Circuit Court. If the juvenile committed a felony, depending on the nature or seriousness of the offense, the juvenile may receive a typical juvenile disposition in Family Division (referred to as a delinquency proceeding), receive an adult sentence in Family Division, or be waived to adult criminal court and tried and sentenced as an adult.

Delinquency proceeding: An adjudication in the Family Division of Circuit Court, also referred to as a *delinquency proceeding*, is not considered to be criminal, and the philosophy of the court is rehabilitation and treatment for the delinquent youth rather than punishment. The judge has wide discretion and can dismiss the petition against the juvenile, refer the juvenile for counseling, place the juvenile on probation (diversion), or place the case on the court's formal calendar or docket and allow charges to go forward. If the juvenile admits responsibility or is found responsible for (as opposed to "guilty of") committing the offense, the terms of *disposition* (similar to "sentencing" for adults) may include, among other things, probation, counseling, participation in programs such as drug or alcohol treatment, placement in a juvenile boot camp, restitution to victims, community service, placement in foster care, and/or payment of a crime victim rights assessment fee and reimbursement of court appointed attorney fees and other court services expenses.

A juvenile being adjudicated in a delinquency proceeding is often made a temporary ward of the county and supervised by the court's probation department. A juvenile who needs more intensive services may be made a ward of the state and supervised by the Michigan Department of Health and Human Services; known as an "Act 150" case, the juvenile may be placed in a residential treatment program. Upon completion of the term of residential care, the juvenile is often placed on "aftercare," where his or her progress and behavior can be monitored by the juvenile corrections department for a period of time, similarly to the role parole plays for an adult offender.

Juvenile charged as adult: A juvenile who is charged with a felony may be treated and sentenced as an adult. This happens in three ways:

Traditional waiver: A traditional waiver applies to a juvenile 14 to 16 years of age who is charged with any felony. The prosecuting attorney may petition the Family Division to ask that the court waive its delinquency jurisdiction and allow the child to be tried as an adult in a court of general criminal jurisdiction (adult criminal court). The Family Division

retains discretion to waive the case to adult court or to proceed as a delinquency proceeding. If waived to adult court and convicted, the juvenile must be sentenced as an adult.

Designated proceedings: Some more serious offenses are known as “specified juvenile violations” and include such crimes as arson, rape, assault with attempt to commit murder, and armed robbery. If a juvenile is charged with a specified juvenile violation, the prosecutor has the authority to designate the case to be tried in the Family Division but in the same manner as for an adult (this includes sentencing the juvenile as an adult).

The prosecutor can also ask the Family Division to designate a case that does not involve a specified juvenile violation for trial in the Family Division; this requires the juvenile to be tried in the same manner as an adult, and a guilty plea or verdict results in a criminal conviction. However, the court retains discretion to issue a typical juvenile disposition order, impose any sentence that could be imposed on an adult if convicted of the same offense, or delay sentencing and place the juvenile on probation.

Automatic waiver: If a juvenile who is 14 to 16 years old commits a specified juvenile violation, the prosecutor has the discretion to initiate automatic waiver proceedings to waive the juvenile to adult criminal court by filing a complaint and warrant in District Court, rather than petitioning the Family Division. A preliminary hearing must be held to determine probable cause that the juvenile committed the offense or offenses; if so, the case is bound over to adult criminal court. If the juvenile is convicted of one or more very serious specified juvenile violations, the juvenile must be sentenced in the same manner as an adult. If the juvenile is convicted of an offense that does not require an adult sentence, the court must hold a juvenile sentencing hearing to determine whether to impose an adult sentence or to place the juvenile on probation and make the juvenile an Act 150 ward of the state.

(Information derived from the *Juvenile Justice Benchbook*, 3rd Edition, Michigan Judicial Institute, and from information on juvenile delinquency available on the Clare County Prosecuting Attorney Office website.)

FISCAL IMPACT:

Overall, the “Raise the Age” legislative package would increase both state and local costs. A report commissioned by the State of Michigan Legislative Council Criminal Justice Policy Commission was released on March 14, 2018 (the “Report”).¹ The Report presents an overall range in net cost increases from \$27.0 million to \$61.0 million annually. The House Fiscal Agency forecasts that these net costs would increase over a 3- to 5-year period and would plateau thereafter, as the applicable population phases in due to the Probate Code’s provision that the circuit court family division maintains jurisdiction over juveniles for 2 years beyond the maximum age of when the offense occurred.

¹ Hornby Zeller Associates, Inc. *The Cost of Raising the Age of Juvenile Justice in Michigan: Final Report*. March 14, 2018. <http://council.legislature.mi.gov/Content/Files/cjpc/MIRaisetheAgeFinalReport03.14.2018.pdf>

There are three primary factors that inhibit a precise fiscal impact estimate of the bills:

- State statute still would allow for judicial discretion to move juvenile cases under the age of 18 to adult circuit and district courts. If a moderate percentage of these cases are moved, then the fiscal impact would lessen.
- State statute still would allow for prosecuting attorneys to request that a juvenile case be tried in the same manner as an adult in a court of general criminal jurisdiction. Again, if a moderate percentage of these cases are moved, then the fiscal impact would lessen.
- State statute allows for a variety of placement discretion for juveniles. Juveniles can be placed in secure child caring institutions, which have annual costs of \$75,000 to \$120,000, or can be referred to less expensive in-home services.

The Report notes a wide range cost estimates related to separating 16- and 17-year-old juveniles from adults. Those costs can range from re-opening or contracting for unused child caring institution beds to building new child caring institutions. These different local-level decision options make it difficult to determine a precise fiscal estimate.

Department of Health and Human Services (DHHS)

Senate Bill 101

Currently, the state and counties share the cost of juvenile justice services in a 50/50 state-local cost sharing model. For the cases in which the county is the first payer, the state is required to reimburse counties for 50% of eligible expenses from county Child Care Funds for the costs of juvenile justice services. The state makes these reimbursements from the state Child Care Fund (CCF), which is a fund appropriated in the DHHS budget from which the state reimburses counties for 50% of eligible expenditures concerning the care and treatment for children who are court wards. The Fund reimburses counties for programs that serve neglected, abused, and delinquent youth, and funding may be expended for out-of-home placements such as foster homes or county-operated facilities. Expenditures may also be made for in-home services which allow children to remain in their own homes, and may include job training skills, intensive probation, community wraparound services, mentoring, family counseling, electronic tethers, alternatives to detention, and other community-based services.

In addition to the currently required 50% reimbursement to counties for other eligible expenses, the bill would require that beginning October 1, 2021, the state pay 100% of the cost of juvenile justice services for 17-year-olds at the time of the offense who are under a circuit court's Family Division's jurisdiction for a criminal charge or are under concurrent jurisdiction with an adult criminal court for certain delinquency activities.

Senate Bill 101 (H-1) would also require that, beginning October 1, 2025, the reimbursement rate for all juveniles would change to a new percentage rate. Using data from FY 2022, FY 2023, and FY 2024, the new rate would be calculated as the quotient of the following:

- The sum of the total state expenditures under section 117a(4)(c) for juveniles under age 17 at the time of the offense and the total expenditures for 17-year-old juveniles under section 117a.
- Divided by the total expenditures under section 117a for all eligible juveniles.

Under current law, 17-year-old offenders are treated as adults and are not adjudicated under juvenile court jurisdiction. Therefore, the fiscal impact of this bill only occurs if the other bills that are part of the “Raise the Age” legislative package are enacted. If these bills were enacted along with this bill, there would be additional costs to the state and minimal costs to local units of government related to providing juvenile justice services. While the specific amount of these additional costs is not known at this time, a recently released legislatively commissioned report has provided estimates of the additional amount using historical data and surveys.

The Report presents a range of what the estimated additional costs might be to the state Child Care Fund should this category of 17-year-olds be adjudicated under juvenile courts and provided with juvenile justice services. The Report states that the amount of increase to expenditures from the state Child Care Fund (under the current 50/50 state-local cost sharing model) is expected to be between \$9.6 million and \$26.8 million. Under the bill’s provisions that the state pay 100% of eligible expenses, instead of the current law’s 50% requirement, this estimated range of expected additional costs would be doubled and the range of costs would be approximately \$19.2 million to \$53.6 million to the state.

Within this range, it is important to note that the amount of additional costs incurred by the state would be dependent upon a variety of factors. These would include factors such as judicial and prosecutorial discretion, the type and security level of the residential placement required for each juvenile, as well as their length of stay.

Senate Bills 93, 97, and 99

These bills would increase costs to DHHS and to county Child Care Funds, and the increase would be included in the overall range of net cost increases presented by the Report of \$27.0 million to \$61.0 million annually.

The bills would increase costs for services such as probation, foster care placement, or institutional placement, and for many of these 17-year-old offenders, these costs could now qualify for child care funding under the provisions of the bills as cases under the authority of the Probate Code are funded by DHHS and counties. For children who are court wards, county courts initially pay for the required care and treatment, and DHHS reimburses 50% of those eligible expenditures back to the county through the Child Care Fund (50/50 state-local cost share). The increased cost to DHHS and county governments would depend upon the number of 17-year-old offenders who now fall under the authority of the family division of the circuit court and on the placement decisions made by the court.

Currently, if 17-year-old offenders are tried in criminal courts, found guilty, and incarcerated by the Department of Corrections (DOC), their care and treatment is funded by DOC. However, if under the bills these 17-year-old juveniles are categorized public

wards of either the family division of the circuit court or DHHS, the expenses for their care and treatment would shift to DHHS and county governments. In most cases, the expenses of the youth's care and treatment would be paid through 50/50 state-local cost sharing.

While the specific amount of these additional costs is unknown, the Report suggests that the increased cost to the Child Care Fund state share (under the current 50/50 state-local cost sharing model) could be between \$9.6 million and \$26.8 million annually, while the increased cost to Child Care Fund local share could be expected to range between \$16.9 million and \$34.1 million annually. Under the provisions of Senate Bill 101 (H-1), these increased costs for 17-year-olds would be paid 100% by the state until October 1, 2025. After that date, a new cost-sharing percentage rate would replace the current 50/50 state-local cost sharing model and these additional costs would be incorporated in the calculation of the new rate.

Senate Bill 102 would have no immediate fiscal impact on the state or on local units of government, but could eventually have an indeterminate fiscal impact on the state and local units of government.

Under the bill, DHHS would administer the new Raise the Age Fund and would expend money from the fund upon appropriation by the legislature. Any increased costs to the department would be dependent upon additional administrative costs that might be incurred for the administration of the fund.

The bill also could have a minimal fiscal impact on local court funding units. It could cost a county, court, or tribe to report on expenditures made with funding they receive from the Raise the Age Fund. However, costs to report could most likely be supported with existing financial resources.

Courts

Senate Bills 90 and 99 would have an indeterminate fiscal impact on local units of government. The impact on courts would depend on the number of cases transferred from adult circuit and district courts to juvenile circuit courts (Family Division of Circuit Court). It is anticipated that adult circuit and district court costs would be reduced, while juvenile circuit court costs would be increased. An increase or decrease in the number of arraignments and the number of hearings affects processing, scheduling, and the overall management of court caseloads. Also, juvenile matters tend to be more time-consuming than adult proceedings. While there is an anticipated decrease in adult circuit and district court caseloads, and a corresponding increase in juvenile circuit court caseloads, there is also potential for shifting court resources, which could mean a cost-neutral situation for local units that have the ability to shift. Incremental costs would be incurred by prosecuting attorneys for handling juvenile cases versus adult cases, and county jails should see a decrease in the number of jail inmates. It is difficult to project the actual impact on each local unit due to variables such as law enforcement practices, prosecutorial practices, judicial discretion, and case types. The impact of the bills would be unique to each local jurisdiction, and some jurisdictions would be affected more than others.

According to the Report, cost increases to courts, prosecuting attorneys, and jails could be \$4.7 million annually, detailed as follows:

Estimated Court Costs	
District Court	(\$397,153)
Circuit Court	\$6,363,677
Prosecuting Attorneys	\$1,027,240
Sheriff	(\$2,289,040)
TOTAL	\$4,704,723

The Report estimated the size of the population that would be re-classified, as well as the type of destination to which each one would be assigned as a juvenile. Based on the number of 17-year-olds charged over calendar years 2014 through 2016, and on Michigan law and past experience in trying juvenile offenders as adults, the Report projected the number of 17-year-old offenders expected to be treated as juveniles and the number expected to be waived to adult court. (Throughout the Report, population figures represent 2016.)

According to the Report, it is estimated there were 7,253 17-year-old defendants in 2016 statewide. If those defendants had been treated as juveniles, as the bill package proposes, 763, or 11%, would likely have been waived over to adult courts; 4,081, or 56%, would likely have been tried as juveniles. The remaining 2,409 of those 17-year-old defendants, or 33%, had traffic violations. Of those with traffic violations, only 7% would likely have proceeded further into the juvenile system, with the balance likely to have exited the system entirely. The percentage of 17-year-olds who likely would have been treated as adults involved in circuit courts ranged from 4% for Kent County to 40% for Macomb County; Oakland County would likely have had 14%, and Wayne County 4%. It was stated in the Report that the numbers for future years could be quite different, because the overall trend in arrests of both 17-year-olds and juvenile offenders has been declining steadily over several years.

Senate Bill 100 would have an indeterminate fiscal impact on local court funding units. The impact would depend on the number of cases involving 17-year-olds who would no longer be tried as adults. It is difficult to project the actual impact on each local unit due to variables such as law enforcement practices, prosecutorial practices, judicial discretion, and case types. Typically, juvenile proceedings are much more time-consuming than adult proceedings.

Department of Corrections

Senate Bills 90 and 99 could produce marginal general fund/general purpose savings for the Department of Corrections. Under Senate Bill 92, there would be fewer 17-year-olds under HYTA probation supervision and prison status. In 2018, there were fewer than 200 HYTA probationers at any given time. Under Senate Bill 92, the department would no longer be responsible for supervising these youth, which, in FY 2018, cost roughly \$3,600 per supervised offender.

The impact from the number of 17-year-old HYTA prisoners would be minimal, as there were only 5 as of July 1, 2019. Also, as of that same date, the department was housing 29 prisoners aged 17 and under, so any savings to the department from housing fewer prisoners would be nominal. If the department did not house any offenders until they reached the age of 18, the department could potentially close half of one housing unit that houses this population, saving approximately \$2.5 million GF/GP.

Senate Bill 97 would have an indeterminate fiscal impact on the Department of Corrections. The bill would result in a general fund/general purpose savings for the department, over time, if offenders aged 17 and under were no longer sentenced, under any circumstances, to adult prison facilities. This would depend solely on judicial placement decisions. As of June 30, 2019, the department was housing 29 prisoners aged 17 and under. If the department did not house any offenders until they reached the age of 18, the department could potentially close half of one housing unit that houses this population, saving approximately \$2.5 million GF/GP. If the department did not house any offenders who committed their offenses prior to the age of 18 until they reached the age of 21, the department could close about 200 beds over the next 5 years, saving approximately \$3.0 million GF/GP.

Senate Bill 97 would result in a cost increase to local courts because there would be more juveniles under court supervision. It is difficult to project the actual impact on each local unit due to variables such as prosecutorial practices, judicial discretion, and case types. When juveniles are placed at a juvenile detention or residential facility, in most cases, the expenses for these placements and other juvenile justice services will be paid by the state and the county in equal amounts though the Child Care Fund (50/50 state-local cost share). Because of the increase in the number of juveniles receiving juvenile justice placements and services, there would be a similar cost increase to DHHS.

Senate Bill 100 would have an indeterminate fiscal impact on the state. The impact would depend on the number of cases involving 17-year-olds who would no longer be tried as adults. A savings could be realized by the Department of Corrections if fewer juveniles are tried as adults and sentenced to adult prisons.

Department of Licensing and Regulatory Affairs (LARA)

Senate Bill 84 would be unlikely to have a significant fiscal impact on LARA or on funding units of local indigent defense systems. By revising the definition of “adult” to include persons age 18 or older, rather than 17 or older, the bill could decrease the number of persons who would qualify for indigent defense. Given the manner by which indigent defense services are provided in this state, the potential reduction of 17-year-olds receiving indigent defense would be unlikely to result in any significant cost savings for the Michigan Indigent Defense Commission within LARA or for local funding units. Furthermore, fewer individuals qualifying for indigent defense services could result in lower revenues from partially indigent defendant reimbursements. Any resulting reduction of revenues is likely to be nominal.

POSITIONS:

The following entities indicated support for the Raise the Age bills (10-15-19):

- Michigan Association of Counties
- Michigan Council on Crime and Delinquency
- Criminal Defense Attorneys of Michigan
- Prosecuting Attorneys Association of Michigan
- Safe and Just Michigan
- National Association of Social Workers-Michigan
- Oakland County Executive
- Michigan Association of Family Court Administrators
- Northern Michigan Juvenile Officer Association
- Michigan League for Public Policy
- School-Community Health Alliance of Michigan
- Michigan Catholic Conference
- Grand Rapids Chamber

The State Budget Office took no formal position, but a representative expressed a concern that the bills could incur additional IT costs and require additional staff to implement. Further, as written, no method is provided by which the department could determine what would be a reasonable cost for which a county could be reimbursed from the newly created Raise the Age Fund, nor is there a method provided for a county to appeal a determination. Allowing the department to establish standards for reimbursements through the rulemaking process could address the concern.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.