

Juvenile Fines and Fees Legislation 2024 Session

October 15, 2024

Background

- Senate Bill (SB) 481, 2024 Session, was continued to 2025 in the Senate Finance and Appropriations Committee.
 - The SFAC General Government Subcommittee recommended that SFAC staff further examine the fiscal impact of SB 481, in coordination with the Office of the Executive Secretary of the Supreme Court of Virginia (OES) and the Crime Commission.
- SB 481 prohibits courts from imposing fines, costs, and fees against juveniles in certain circumstances.
- This presentation summarizes SB 481 and assesses the fiscal impacts.
 - Assessment is specific to the SB 481 Senate Courts of Justice Committee substitute, which was referred to the Senate Finance and Appropriations Committee.

Outline

- Summary of SB 481, 2024 Session (Senate Courts of Justice Committee Substitute)
- Fiscal Impact of SB 481: Amounts Collected by the Courts
- Fiscal Impact of SB 481: Amounts Collected by Other Entities
- Summary of Legislation in Other States

Summary of SB 481

SB 481, 2024 Session (Courts of Justice Committee Substitute)

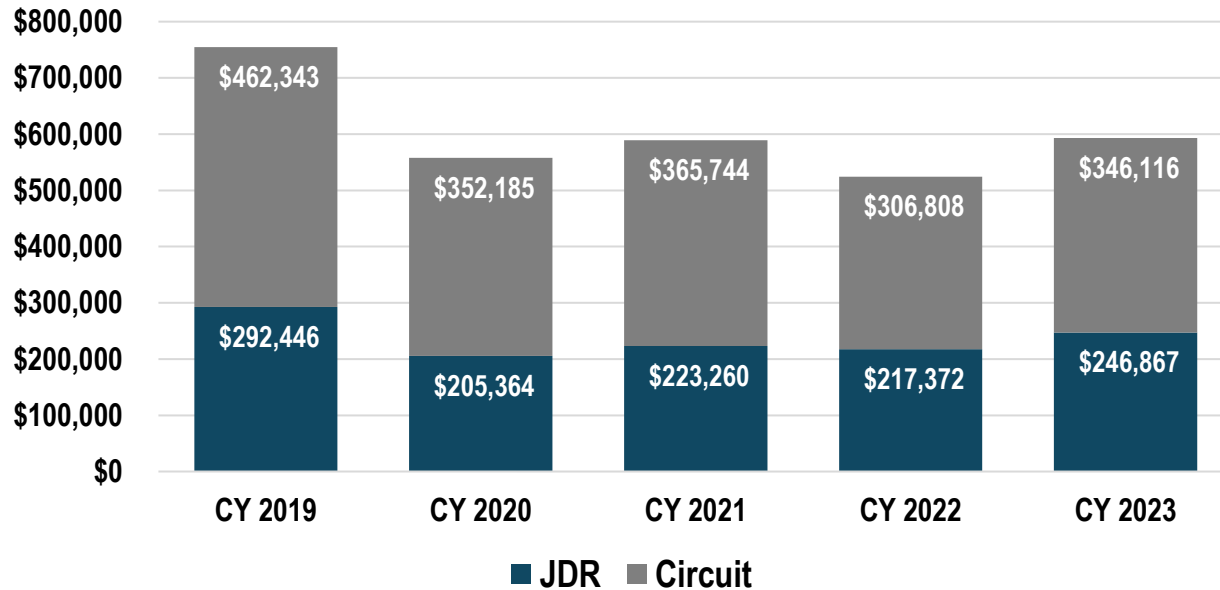
- Prohibits courts from imposing fines, fees or costs against any juvenile* charged with a criminal offense or delinquent act, except for certain driving-related offenses.
 - Includes a prohibition on imposing costs and fees for court-ordered services – such as evaluations, treatment, and rehabilitation programs.
- For all juveniles under the applicable court's jurisdiction, prohibits the imposition of fees or costs for certain investigations, drug screenings, victim impact statements, or examinations and treatment by a physician or local mental health center.
- Removes the court's authority to assess costs paid by the state for court-appointed counsel and public defenders in most juvenile cases.
- Prohibits support payments to the Department of Social Services from parents, guardians, and trustees of juveniles in delinquency proceedings that result in certain out-of-home placements.
- Prohibits assessment of civil penalties – as well as fines, fees, and costs – for certain alcohol related offenses.

***Note:** Throughout SB 481 and this presentation, “juvenile” generally refers to both the juvenile offender or the parents or other persons responsible for his or her care.

Amounts Collected by Courts

Courts Assessed Approximately \$603,701 Per Year From Juveniles Impacted by SB 481

Court Assessments Offenses Covered by SB 481



- Between calendar year 2019 and 2023, OES assessed approximately \$603,701 each year on average that would no longer be assessed under SB 481.
 - Includes \$237,062 from juvenile and domestic relations (JDR) courts and \$366,639 from circuit courts.

Notes: Fairfax Circuit Court does not participate in OES's data systems and is not included in this estimate; CY = calendar year.

Source: SFAC staff analysis of OES case management system data emailed September 25 and October 10, 2024.

Of Those Assessments, an Estimated \$362,221 Per Year Was Collected

- No data is available that shows the actual amounts collected from juveniles that would be impacted by SB 481.
- A collection rate of 60.0 percent is assumed, based on average collections compared to assessments over the last 10 years for **all** cases in JDR court (not just those cases that would be impacted by SB 481).
 - $\$603,701 \times .60 = \$362,221$ each year.
- The Department of Planning and Budget fiscal impact statement (FIS) estimated a fiscal impact of \$532,172 each fiscal year.
 - The primary differences between SFAC staff analysis and the FIS are that: 1) SFAC staff analysis excludes certain criminal traffic infractions to align with excluded offenses in SB 481; and 2) SFAC staff analysis uses more recent, calendar-year data.
- Juvenile payment collection is incorporated into clerk's overall workload (and Commonwealth's Attorney staff workload for delinquent amounts).

Sources: JDR assessments and collection amounts FY 2014 – FY 2024, OES staff emails August 15 and October 3, 2024; \$603,701 from SFAC staff analysis of OES case management system data emailed September 25 and October 10, 2024; DPB FIS retrieved from legacylis.virginia.gov on October 14, 2024.

Courts Collections are Distributed to a Wide Variety of Funds and Agencies

- Since OES tracks offense data and collections in separate systems, there is no list of specific programs and funds that would be impacted by passage of SB 481.
- Based on SFAC staff review of JDR and circuit court collections data, below are examples of funds and programs that could potentially be impacted, with an aggregate impact of approximately \$362,221 across all programs/funds:
 - **General Fund**
 - **Literary Fund**
 - Local Agencies
 - Courts Debt Collection Program
 - Internet Crimes Against Children
 - Courts Technology Fund
 - Criminal Injuries Compensations Fund
 - Regional Criminal Justice Training Academies
 - Prevention of Sex Trafficking
 - State Police Electronic Summons System
 - Intensified Drug Enforcement Jurisdictions Fund
 - Crime Victim Witness Fund
 - Methamphetamine Cleanup Fund
 - Trauma Center Fund
 - Game Protection Fund

Sources: SFAC staff review of JDR and circuit court collection amounts from DOA staff email October 3, 2024; \$362,221 from SFAC staff analysis of OES case management system data emailed September 25 and October 10, 2024 (see slide 8).

Court-Appointed Counsel Repayments are Included in General Fund Deposits

- Under current JDR law, non-indigent families are assessed amounts paid by the state for court-appointed counsel based on ability to pay.
- Under SB 481, the court would not collect such reimbursements for court-appointed counsel payments from any family, regardless of income level.
 - Applies to cases with youth who are alleged to be delinquent or in need of supervision of services.
- SB 481 also removes the requirement for convicted juveniles in adult court to repay the Commonwealth for court-appointed counsel and other fees, unless they are convicted of certain traffic offenses.

Amounts Collected by Other Entities

Some Payments Removed in SB 481 are not Assessed or Collected by the Courts

- SB 481 prohibits courts from imposing costs on juveniles, which likely includes court-ordered services.
 - Blanket prohibition on court imposition of costs applies to juveniles alleged to be delinquent and juveniles transferred to circuit court to be tried as an adult.
 - Prohibition on court imposition of costs for specified services, such as examinations by a physician, applies to all juveniles in the relevant court's jurisdiction.
- Many of these costs are assessed and collected by provider agencies instead of the courts. Therefore, they are not included in the \$362,221 annual estimate in the previous section of the presentation.
- Available funding streams for such services in lieu of payments from juveniles and their families differ depending on whether the juvenile is being supervised in the juvenile or adult system.

Source: \$362,221 from SFAC staff analysis of OES case management system data emailed September 25 and October 10, 2024 (see slide 8).

SB 481 May Increase Demand on Department of Juvenile Justice (DJJ) GF Budget

- Currently, DJJ's GF appropriation is the payor of last resort for treatment, evaluations, and other services for individuals being supervised in the juvenile system by a court service unit (CSU).
 - When available, CSU employees first draw from other funding sources, including payments from juveniles, Medicaid, Family First Prevention Services, Children Services Act, and local funding sources.
- Prohibiting courts from imposing costs on juveniles, pursuant to SB 481, would likely increase demand on DJJ's GF budget.
 - If DJJ funding is not available, there is no statutory requirement (in current law or in SB 481) for the DJJ to cover the cost of services.
 - The fiscal impact on DJJ is indeterminate since current amounts paid by juveniles for court-ordered services are not tracked.

SB 481 has a Fiscal Impact on Department of Social Services (DSS) Child Support Payments

- For juveniles who are the subject of a delinquency matter, DSS would likely no longer be authorized to:
 - Obtain reimbursement for state and local foster care/public assistance payments;
 - Establish child support obligations to support juvenile custodians; and
 - Assess genetic testing costs from fathers.
- Lost debt collections to the Commonwealth and localities would likely be less than \$387,565, based on FY 2024 data.
- The above amount does not include the impact on juvenile custodians who are currently receiving child support payments from parents of youth who are the subject of delinquency matters.

Source: DSS staff email, October 8, 2024. \$387,565 is an upper bound on lost revenue since it includes all DJJ cases, not just delinquency cases impacted by SB 481.

SB 481 May Have a Fiscal Impact on Other Agencies

- It is unclear whether SB 481 would impact Children Services Act parental copayments.
- The impact on alcohol safety action programs would likely be minimal assuming juvenile program utilization does not change.
 - Alcohol safety action program primarily serve adults. Also, most juveniles are referred for drunk driving charges, which are exempted from SB 481.
- Further analysis would be needed to determine any additional impact on governmental and non-governmental agencies serving juveniles who are not alleged delinquent but are under the courts' jurisdiction.

No Dedicated Funding Stream for Court-Ordered Services is Available in the Adult System

- For juveniles transferred to circuit court to be tried as an adult, many continue to be supervised by CSU in the juvenile system, but some are transferred to supervision in the adult system.
- The adult community supervision system* does not have dedicated funding available to cover services provided by providers in the community in lieu of juvenile payments.
 - For example, pretrial and community corrections agencies are not always able to identify alternative funding sources for low-income participants to access court-ordered sex offender or substance abuse treatment provided by private entities.

***Note:** The adult community supervision system includes local pretrial services agencies, local community corrections agencies, and DOC community corrections offices.

Source: SFAC staff summary based on information provided by the Department of Corrections, Department of Criminal Justice Services, and representatives from local community corrections and pretrial services agencies.

Other States

Other States' Policies on Juvenile Fines, Fees, and Costs Vary

- Since 2018, 20 states have passed legislation eliminating some or all juvenile fines and fees, while ten states have introduced but not passed such legislation.
 - This includes Virginia, which passed legislation in 2021 that eliminated child support payments for juveniles placed in DJJ custody.
- However, state approaches to prohibiting juvenile fines, fees, and costs vary. For example:
 - Some states' prohibitions only apply to juveniles being tried in juvenile courts, while some also apply to those being tried in adult courts.
 - Some states prohibit fines and fees that the court collects, while others prohibit all court-imposed costs.
 - Some states enumerate the fines and fees being prohibited in addition to including blanket prohibition.

Sources: Crime Commission staff email August 9, 2024; Juvenile Law Center staff email September 27, 2024.

Key Takeaways

- SB 481 would reduce court collections by an estimated \$362,221 each year.
 - Would likely impact a variety of programs and funds, primarily including the general fund and the Literary Fund.
- In addition, the court may be prohibited from mandating services unless a funding source was identified.
 - Most juveniles are under CSU supervision. CSU policy is to cover necessary services using their GF appropriation when no other funding source is identified.
 - For juveniles being supervised in the adult system, funding sources for court-ordered services varies.
- Without legislative language that enumerates impacted fines, fees, and costs, it is difficult to comprehensively assess the fiscal impact of SB 481.
- Systems limitations also inhibit estimation and tracking of SB 481's fiscal impact.
 - To track current amounts paid by juvenile delinquents: 1) OES would need to integrate its case management and financial management systems; and 2) state and local agencies would need to begin tracking amounts paid by juveniles by case type.