

SB BILL NO. 172

INTRODUCED BY Ray

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE STATE GRANTS FOR YOUTH DETENTION SERVICES TO A REIMBURSEMENT SYSTEM; REVISING THE DEFINITION OF "YOUTH DETENTION SERVICE"; INCLUDING EVALUATIONS AS REIMBURSABLE COSTS; CLARIFYING A REGIONAL DETENTION FACILITY'S TRANSPORTATION RESPONSIBILITIES; AMENDING SECTIONS 41-5-1001, 41-5-1002, 41-5-1003, 41-5-1004, AND 41-5-1008, MCA; REPEALING SECTION 41-5-1005, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 41-5-1001, MCA, is amended to read:

"41-5-1001. Definitions. As used in this part, unless the context requires otherwise, the following definitions apply:

(1) "Attendant care" means the direct supervision of youth by a trained attendant in a physically unrestricting setting.

(2) "Board" means the board of crime control provided for in 2-15-2006.

(3) "County" means a county, a city-county consolidated government, or a youth detention region created pursuant to 41-5-812.

(4) "Home detention" means the use of a youth's home for the purpose of ensuring the continued custody of the youth pending adjudication or final disposition of ~~his~~ the youth's case.

(5) "Plan" means a county plan for providing youth detention services as required in 41-5-1003.

(6) "Secure detention" means the detention of youth in a physically restricting facility designed to prevent a youth from departing at will.

(7) "Youth detention service" means service for the detention of youth in facilities ~~separate from adult jails~~ that provide physical separation, as well as sight and sound separation, from adults accused or convicted of criminal offenses. The term includes the services described in 41-5-1002."

Section 2. Section 41-5-1002, MCA, is amended to read:

1 **"41-5-1002. State grants to funding to counties.** (1) Within the limits of available funds, the board
 2 shall provide ~~grants~~ funding in accordance with 41-5-1003 ~~through 41-5-1005 and 41-5-1004~~ to assist
 3 counties in establishing and operating youth detention services, including but not limited to youth detention
 4 facilities, short-term detention centers, holdovers, attendant care, home detention, ~~and~~ programs for the
 5 transportation of youth to regional detention facilities, and evaluations.

6 (2) ~~Grants~~ Funding available under subsection (1) ~~consist~~ consists of state appropriations and
 7 federal funds received by the board for the purpose of administering 41-5-1001 through ~~41-5-1005~~
 8 41-5-1004."

9
 10 **Section 3.** Section 41-5-1003, MCA, is amended to read:

11 **"41-5-1003. Application for ~~grants~~ reimbursements -- county plans -- obligation of counties**
 12 **receiving grants funds -- review and monitoring.** (1) In order to receive funds under 41-5-1002, a county
 13 shall submit an application and receipts for costs incurred to the board in a manner and form prescribed by
 14 the board.

15 (2) The application must include a written plan for providing youth detention services in the county.
 16 Each plan must include:

- 17 (a) an assessment of the need for services;
 18 (b) a description of services to be provided, including alternatives to secure detention; and
 19 (c) ~~the estimated number of youth who will receive services;~~
 20 (d) ~~criteria for the placement of youth in secure detention; and~~
 21 (e) ~~a budget describing proposed expenditures for youth detention services.~~

22 (3) If the application and plan are approved by the board, the county may receive ~~a grant~~
 23 reimbursement in the amount provided for in 41-5-1004.

24 (4) As a condition of receiving funds under 41-5-1002, each county shall, within a reasonable
 25 period of time, comply or substantially comply with state law and policies contained in the Montana Youth
 26 Court Act concerning the detention and placement of youth.

27 (5) The board shall periodically review and monitor counties receiving ~~grants~~ funding under
 28 41-5-1002 to ~~assure~~ ensure compliance or substantial compliance with the Montana Youth Court Act, as
 29 required under subsection (4). If, after notice and fair hearing, the board determines that a county is not
 30 in compliance or substantial compliance with the Montana Youth Court Act, the board shall terminate ~~the~~

1 ~~grant~~ funding to the county."

2

3 **Section 4.** Section 41-5-1004, MCA, is amended to read:

4 **"41-5-1004. Distribution of ~~grants~~ reimbursements -- limitation of funding -- restrictions on use.**

5 (1) The board shall ~~award grants~~ reimburse costs on an equitable basis, giving preference to services that
6 will be used on a regional basis.

7 (2) The board shall ~~award grants to~~ reimburse 80% of the costs of eligible counties:

8 (a) ~~in a block grant in an amount not to exceed~~ at 50% of the approved, estimated cost of secure
9 detention; or

10 (b) on a matching basis ~~in an amount not to exceed~~:

11 (i) at 75% of the approved cost of providing holdovers, attendant care, and other alternatives to
12 secure detention, except for shelter care. Shelter care must be paid as provided by law.

13 (ii) at 50% of the approved cost of programs for the transportation of youth to appropriate detention
14 or shelter care facilities, including regional detention facilities. The regional detention facility is responsible
15 to provide transportation to and from court appearances while a youth is held in a regional detention facility.
16 The regional detention facility may apply for reimbursement of these transportation costs.

17 (3) At fiscal yearend, the board shall review any balances and reimburse counties up to the
18 remaining 20% of the costs as funds allow.

19 (4) Based on funding available after the board has ~~funded block grants~~ reimbursed costs under
20 subsection ~~(2)~~ (3), the board shall, in cases of extreme hardship in which the transfer of youth court cases
21 to the adult system has placed considerable financial strain on a county's resources, award grants to
22 eligible counties to fund up to 75% of the actual costs of secure detention of youth awaiting transfer.
23 Hardship cases will be addressed at the end of the fiscal year and will be awarded by the board based upon
24 a consideration of the applicant county's past 3 years' expenditures for youth detention and upon
25 consideration of the particular case or cases that created the hardship expenditure for which the hardship
26 grant is requested.

27 ~~(4) Grants under 41-5-1002 may not be used to pay for the cost of youth evaluations. The cost~~
28 ~~of evaluations must be paid as provided for in 41-5-523.~~

29 (5) After a county's responsibility for the cost of each evaluation is determined, as provided in
30 41-5-523, and based upon funding available after the board has reimbursed costs under subsections (2)

1 and (3) of this section and awarded grants under subsection (4) of this section, the board shall reimburse
2 a county up to 75% of the county's actual costs for the costs of youth evaluations. Costs for youth
3 evaluations must be addressed at fiscal yearend."

4

5 **Section 5.** Section 41-5-1008, MCA, is amended to read:

6 **"41-5-1008. Rulemaking authority.** The board may adopt rules necessary to implement the
7 provisions of 41-5-103(13), 41-5-812, ~~and~~ 41-5-1001 through 41-5-1004, and 41-5-1006 through
8 41-5-1008."

9

10 NEW SECTION. **Section 6. Repealer.** Section 41-5-1005, MCA, is repealed.

11

12 NEW SECTION. **Section 7. Effective date.** [This act] is effective July 1, 1997.

13

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for SB0172, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

A bill for an act revising the state grants for youth detention services to a reimbursement system; revising the definition of "youth detention service"; including evaluations as reimbursable costs; clarifying a regional detention facility's transportation responsibilities and providing an effective date.

ASSUMPTIONS:

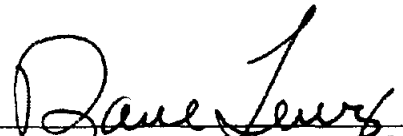
1. This legislation would do away with the regional process of counties submitting plans, projected budgets, and reports. This could increase the number of annual plans and quarterly reports from five to 56.
2. The provisions of this bill would change the allocation of detention funds from a statewide basis to a first come first serve basis.
3. This legislation would allow reimbursement for the cost of youth held in adult jails with sight and sound separation, which could result in increased costs to the state.
4. Detention costs for the state would increase due to allowing youth evaluations as a reimbursable service.
5. An additional FTE would be needed by the Montana Board of Crime Control (MBCC) to implement the provisions of the legislation. The additional position would be a grade 12 accountant at an annual cost of \$21,058 plus benefits.
6. Operating costs are estimated at \$7,820 each year, with equipment costs of \$2,935 in fiscal 1998 for a computer and office equipment.
7. Disbursements to counties would be on a reimbursement basis.
8. The average number of days per year that youth are detained in adult jails is 247. The projected per day cost would be \$40, of which the state would pay 50 percent or \$4,940.
9. Approximately 140 youth evaluations would be performed each year at a cost of \$700 each. The state would pay 50 percent or \$49,000.
10. The Department of Corrections would continue to fund detention costs for juveniles committed to the department.

FISCAL IMPACT:

There is no fiscal impact to the Department of Corrections.

Crime Control Division:	<u>FY98</u>	<u>FY99</u>
<u>Expenditures:</u>	<u>Difference</u>	<u>Difference</u>
FTE	1.00	1.00
Personal Services	27,338	27,338
Operating Costs	7,820	7,820
Equipment	2,935	0
Grants\Reimbursements	<u>53,940</u>	<u>53,940</u>
Total	92,033	89,098
 <u>Funding:</u>		
General Fund (01)	92,033	89,098
 <u>Net Impact on Fund Balance:</u> (Revenue minus Expenses)		
General Fund (01)	(92,053)	(89,098)

(Continued)

 1-18-97
 DAVE LEWIS, BUDGET DIRECTOR DATE
 Office of Budget and Program Planning

 1-20-97
 DELWYN GAGE, PRIMARY SPONSOR DATE

Fiscal Note for SB0172, as introduced

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EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

Local government costs would be reduced by approximately the amount of the state's share for increased secure detention. The number of youth evaluations may increase as a result of additional funding.

TECHNICAL NOTES:

There may be some difficulty in determining if costs for the same youth are being duplicated when youth are placed in a secure detention facility in another county but each county is submitting a separate request for reimbursement of costs. This possibly could be addressed in administrative rules.