

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1985 (PCB PS 04-32) Interstate Compact for Juveniles
SPONSOR(S): Committee on Public Safety & Crime Prevention & Needelman
TIED BILLS: **IDEN./SIM. BILLS:** SB 2626

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Public Safety & Crime Prevention</u>	<u>17 Y, 0 N</u>	<u>Whittier</u>	<u>De La Paz</u>
2) _____	_____	_____	_____
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

Currently, ss. 985.501– 985.507, F.S., regulates the movement of juveniles across state lines and is referred to as the Interstate Compact on Juveniles. It was established to manage the interstate movement of adjudicated youth, the return of non-adjudicated runaway youth, and the return of youth to states where they were charged with delinquent acts.

According to the department, operation under the current compact is resulting in the following:

- Juvenile Offenders are arriving in receiving jurisdictions prior to approval of their transfers;
- Gaps in supervision are occurring during the relay of the paperwork;
- Unresponsiveness to reports of violations often are leaving the status of supervision or return of juvenile offenders in question;
- Home states which neglect to address the issue of the return of the non-delinquent runaway are leaving holding states to absorb the expenditure of returning these juveniles to their home states or placing them in the holding states' foster care system.
- Newly legislated juvenile offender registration is not being addressed.

Given changes in technology, transportation, laws, and population since the compact was established in 1955, the original compact has become outdated and has led to increasing concern about the safety of the public, as well as the welfare of juveniles. The Council of State Governments, in cooperation with the federal Office of Juvenile Justice and Delinquency Prevention, has developed a new Interstate Juvenile Compact and is currently supervising the introduction of this legislation. The new compact includes the following major changes to the original Juvenile Compact:

- Establishment of an independent compact operating authority to administer ongoing compact activity, including a provision for staff support.
- Gubernatorial appointment representations of all member states on a national governing commission which meets annually to elect the compact operating authority members, and to attend to general business and rule making procedures.
- Rule making authority and provision for significant sanctions to support essential compact operations.
- Mandatory funding mechanism sufficient to support essential compact.
- Collection of standardized information and information-sharing systems.
- Coordination and cooperation with other interstate compacts including the Interstate Compact on the Placement of Children and the Interstate Compact for Adult Offender Supervision.
- Mandates states to create a State Council, which is comprised of the Compact Administrator, representatives from the each of the three branches of government, and a victim advocacy representative.

The Department of Juvenile Justice estimates an annual recurring cost of \$37,000 to the state.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h1985.ps.doc
DATE: April 21, 2004

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|---|-----------------------------|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |

For any principle that received a “no” above, please explain:

B. EFFECT OF PROPOSED CHANGES:

Currently, ss. 985.501– 985.507, F.S., regulates the movement of juveniles across state lines and is referred to as the Interstate Compact on Juveniles. It was established to manage the interstate movement of adjudicated youth, the return of non-adjudicated runaway youth, and the return of youth to states where they were charged with delinquent acts.

According to the department, operation under the current compact is resulting in the following:

- Juvenile Offenders are arriving in receiving jurisdictions prior to approval of their transfers;
- Gaps in supervision are occurring during the relay of the paperwork.
- Unresponsiveness to reports of violations often are leaving the status of supervision or return of juvenile offenders in question.
- Home states which neglect to address the issue of the return of the non-delinquent runaway are leaving holding states to absorb the expenditure of returning these juveniles to their home states or placing them in the holding states’ foster care system.
- Newly legislated juvenile offender registration (specifically regarding sex offenders) is not being addressed.
- Currently there are no consequences for states that violate the compact.

Given changes in technology, transportation, laws, and population since the compact was established in 1955, the original compact has become outdated and has led to increasing concern about the safety of the public, as well as the welfare of juveniles.¹

In 1999, the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP) conducted a national detailed survey of the states to collect statistics on interstate activity and discovered that there were many issues with the current compact that were causing growing concerns with the efficacy of the compact. States were asked for recommendations for alleviating these concerns. The OJJDP and Council of State Governments (CSG) developed an advisory group composed of policy experts representing many diverse institutions and organizations to review and analyze information from the OJJDP survey and to develop strategies and recommendations for an improved compact. Once these were formed, a drafting team consisting of policy experts from across the states developed the compact language based on the advisory group’s recommendations. Finally, the draft of this language was given to state officials and other interested stakeholders for review and comment.²

¹ See <http://www.csg.org/CSG/Policy/public+safety+and+justice/interstate+compact+for+juveniles>, *Background*.

² *Ibid*.

The Council of State Governments, in cooperation with the Office of Juvenile Justice and Delinquency Prevention, is currently supervising the introduction of the Interstate Compact for Juveniles. The new compact includes the following major changes to the original Juvenile Compact:

- Establishment of an independent compact operating authority to administer ongoing compact activity, including a provision for staff support.
- Gubernatorial appointment representations of all member states on a national governing commission which meets annually to elect the compact operating authority members, and to attend to general business and rule making procedures.
- Rule making authority and provision for significant sanctions to support essential compact operations.
- Mandatory funding mechanism sufficient to support essential compact operations (staffing, data collection, training/education, etc.).
- Collection of standardized information and information-sharing systems.
- Coordination and cooperation with other interstate compacts including the Interstate Compact on the Placement of Children and the Interstate Compact for Adult Offender Supervision.
- Mandates states to create a State Council, which is comprised of the Compact Administrator, representatives from the each of the three branches of government, a parent of a youth who is not currently in the juvenile justice system, and a victim advocacy representative.
- Allows the involvement of many more stakeholders in the compact.³

Currently, 16 states (Washington, Idaho, Montana, Wyoming, Arizona, New Mexico, Kansas, North Dakota, South Dakota, Michigan, Louisiana, West Virginia, Maine, Rhode Island, Connecticut, and Delaware) have enacted the law; one state (Colorado) has sent the bill to the governor; five states (Oklahoma, Alabama, Kentucky, Pennsylvania, and New Jersey) and one territory (Puerto Rico) have passed the legislation in one chamber; and 12 states (Hawaii, Texas, Nevada, Arkansas, Missouri, Minnesota, Indiana, Ohio, Tennessee, Georgia, Florida, and Vermont) have introduced the legislation.⁴

Once the threshold of 35 states (and territories) has passed this legislation, the new compact will be in effect. According to the department, Florida has the largest caseload of Interstate Compact on Juveniles in the nation and sends more requests for supervision transfer than it receives.

C. SECTION DIRECTORY:

Section 1. Amends s. 985.502, F.S., regarding the interstate compact for juveniles.

Section 2. Repeals the following statutes: ss. 985.501, 985.503, 985.504, 985.505, 985.506, and 985.507, F.S.

Section 3. Provides an effective date of July 1, 2004, or upon enactment of the compact into law by the legislature of the 35th compacting state, whichever date occurs later.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

³ See <http://www.csg.org/CSG/Policy/public+safety+and+justice/interstate+compact+for+juveniles>.

⁴ Ibid.

See Fiscal Comments section.

2. Expenditures:

See Fiscal Comments section.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

Dues to the National Commission are based on the population served and will far exceed those currently paid to the AJCA annually (\$400); however, this expenditure amount may be reduced depending on whether or not the National Commission on the Interstate Compact for Juveniles decides to use the same National Commission staff as the Interstate Compact for Adult Offender Supervision. Estimates by the Council of State Governments and the Office of Juvenile Justice and Delinquency Prevention set this time for approximately Spring or Fall of 2006, after 35 states have passed the legislation and the National Commission is created.

The Department of Juvenile Justice estimates annual recurring costs of \$37,000.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

N/A

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES