

1 **DRAFT Juvenile Offender Performance Incentive Funding Act**
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3 **Summary**
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5 The provisions of this act are intended to incentivize the reduction of juvenile re-offending,
6 reduce costs to taxpayers, and increase victim restitution, by giving probation departments a
7 share of the savings to the state in reduced incarceration costs when they lower recidivism and
8 commitments of youths to the state.
9

10 **Model Legislation**
11

12 **Section 1. {Intent}**
13

14 (A) The provisions of this act are intended to reduce recidivism rates in juvenile offenders, while
15 decreasing juvenile correctional costs, by giving local probation departments a share of the
16 savings to the state when they reduce the number of juveniles committed to state custody for
17 incarceration. By linking funding to performance, this legislation creates a positive incentive
18 for local juvenile probation departments to improve their treatment practices for juveniles to
19 both enhance public safety and reduce costs to taxpayers.
20

21 **Section 2. {Definitions}**
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- 23 (A) “Evidence-based practices” means supervision policies, procedures, programs and practices
24 that scientific research demonstrates reduce recidivism among juveniles on probation, parole,
25 or post-release supervision.
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27 (B) “Supervised juvenile” means a juvenile placed on probation by a court or serving a period of
28 parole or post-release supervision from incarceration.
29
30 (C) “Conditions of supervision” means conditions of probation, parole or other form of post-
31 prison supervision.
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33 **Section 3. {Calculation of State Juvenile Incarceration Savings}**
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- 35 (A) The [state oversight agency] shall annually calculate:
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37 (1) For each local juvenile probation department, the percentage change in the number of
38 juveniles committed to state custody for incarceration as a ratio of overall referrals to the
39 juvenile probation department for that year. This calculation shall be compared to the
40 fiscal year prior to the fiscal year in which the report is required pursuant to Section 6 of
41 this title.
42

- 43 (2) Any state expenditures that have been avoided by reductions in rates of juveniles
44 committed to state custody for incarceration by each county, as calculated in paragraph
45 (1) of this section.
46

47 **Section 4. {Performance Incentive Funding}**
48

49 (A) Beginning in fiscal year 201[x], the legislature shall annually appropriate up to 45 percent of
50 any state expenditures that are avoided as calculated in Section 3 of this title. Such averted
51 expenditures shall be appropriated to the [state or local agency or agencies] responsible for
52 those savings.
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54 (B) The appropriations in paragraph (A) of this section are subject to the following provisions:
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56 (1) None of the calculated savings shall be appropriated annually to the [state or local agency
57 or agencies] if there is an increase in the percentage of juveniles committed to state
58 incarceration by [that agency or agencies] as calculated in Section 3 paragraph (A)(1) of
59 this title.
60

61 (2) Of the state expenditures that have been avoided by a reduction in the proportion of
62 juveniles committed state custody for incarceration as calculated in Section 3 paragraph
63 (A)(1) of this section:

64 (a) Thirty percent of the total savings shall be appropriated to the state or local agency or
65 agencies;
66

67 (b) An additional five percent of the total savings shall be appropriated to the [state or
68 local agency or agencies] if there is an increase in the percentage of juveniles who are
69 supervised by [that agency or agencies] and who are employed in a full-time job,
70 employed part time for at least 25 hours per week, or attending school full-time,
71 provided that the agency has submitted data to the [state oversight agency] showing
72 such increases, and the [state oversight agency] includes this information in the report
73 required pursuant to Section 6 of this title;
74

75 (c) An additional five per cent of the total savings shall be appropriated to the [state or
76 local agency or agencies] if there is an increase in the percentage of juveniles who are
77 supervised by that [agency or agencies] who are current in their payments of victim
78 restitution, provided that the [agency] has submitted data to the [state oversight
79 agency] showing such increases and the [state oversight agency] includes this
80 information in the report required pursuant to Section 6 of this title;
81

82 (d) An additional five percent of the total savings shall be appropriated to the [state or
83 local agency or agencies] if there is a decrease in the percentage of juveniles who are
84 supervised by [that agency or agencies] and who test positive for controlled
85 substances.
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87
88 (3) The monies appropriated pursuant to this title shall be used to supplement, not supplant,
89 any other state or county appropriations for probation, parole or other post-prison
90 supervision services.

91
92 **Section 5. {Use of Funds}**

93
94 (A) Monies received through appropriations pursuant to this title shall be used for the following
95 purposes:

- 96
97 (1) Implementation of evidence-based practices;
98
99 (2) Increasing the availability of risk reduction programs and interventions, including
100 problem-solving courts, substance abuse treatment programs, family-based treatment
101 programs, and mental health treatment programs, for supervised juveniles;
102
103 (3) Grants to nonprofit victim services organizations to partner with the community
104 corrections agencies and courts to assist victims and increase the amount of restitution
105 collected from juvenile probationers.

106
107 **Section 6. {Reports}**

108
109 (A) On or before [October 1] of each year, beginning in 201[x], the judicial branch, [units of
110 local government] and the state [Department of Juvenile Justice] shall jointly report to the
111 [state oversight agency] the data necessary for the [state oversight agency] to perform the
112 calculations required by Section 3 of this title. The report shall provide separate figures for
113 probation and parole or other form of post-prison supervision and include for the prior fiscal
114 year:

- 115
116 (1) The number of supervised juveniles, by agency; and
117
118 (2) The number and percentage of supervised juveniles, by agency, who were committed to
119 state custody for incarceration by the [Department of Juvenile Justice].

120
121 (B) On or before [December 1] of each year, beginning in 201[x], the [state oversight agency]
122 shall report each year on the implementation of this title to the president of the senate, the
123 speaker of the house of representatives, the chief justice of the supreme court, and the
124 governor. The report shall include the calculations made pursuant to this Section 3 of this
125 title and the resulting performance incentive funding, if any, to be appropriated.

126
127 (C) The [state oversight agency] shall make its full report and an executive summary available to
128 the general public on its website.