DRAFT Juvenile Offender Performance Incentive Funding Act

Summary

The provisions of this act are intended to incentivize the reduction of juvenile re-offending, reduce costs to taxpayers, and increase victim restitution, by giving probation departments a share of the savings to the state in reduced incarceration costs when they lower recidivism and commitments of youths to the state.

Model Legislation

Section 1. {Intent}

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

Section 2. {Definitions}

(A) “Evidence-based practices” means supervision policies, procedures, programs and practices that scientific research demonstrates reduce recidivism among juveniles on probation, parole, or post-release supervision.

(B) “Supervised juvenile” means a juvenile placed on probation by a court or serving a period of parole or post-release supervision from incarceration.

(C) “Conditions of supervision” means conditions of probation, parole or other form of post-prison supervision.

Section 3. {Calculation of State Juvenile Incarceration Savings}

(A) The [state oversight agency] shall annually calculate:

(1) For each local juvenile probation department, the percentage change in the number of juveniles committed to state custody for incarceration as a ratio of overall referrals to the juvenile probation department for that year. This calculation shall be compared to the fiscal year prior to the fiscal year in which the report is required pursuant to Section 6 of this title.
(2) Any state expenditures that have been avoided by reductions in rates of juveniles committed to state custody for incarceration by each county, as calculated in paragraph (1) of this section.

Section 4. {Performance Incentive Funding}

(A) Beginning in fiscal year 201[x], the legislature shall annually appropriate up to 45 percent of any state expenditures that are avoided as calculated in Section 3 of this title. Such averted expenditures shall be appropriated to the [state or local agency or agencies] responsible for those savings.

(B) The appropriations in paragraph (A) of this section are subject to the following provisions:

(1) None of the calculated savings shall be appropriated annually to the [state or local agency or agencies] if there is an increase in the percentage of juveniles committed to state incarceration by [that agency or agencies] as calculated in Section 3 paragraph (A)(1) of this title.

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

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

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

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

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

Section 5. {Use of Funds}

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

(1) Implementation of evidence-based practices;

(2) Increasing the availability of risk reduction programs and interventions, including problem-solving courts, substance abuse treatment programs, family-based treatment programs, and mental health treatment programs, for supervised juveniles;

(3) Grants to nonprofit victim services organizations to partner with the community corrections agencies and courts to assist victims and increase the amount of restitution collected from juvenile probationers.

Section 6. {Reports}

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

(1) The number of supervised juveniles, by agency; and

(2) The number and percentage of supervised juveniles, by agency, who were committed to state custody for incarceration by the [Department of Juvenile Justice].

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

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