

Department of Planning and Budget
2025 General Assembly Session
State Fiscal Impact Statement

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ORIGINAL

Bill Number: SB778S2 **Patron:** Locke
Bill Title: Juveniles; adjudication of delinquency.

Bill Summary: The substitute expands the definition of "Child in need of services" by including a child younger than 11 years of age who has committed an act that would be delinquent if committed by a child 11 years of age or older. Specifies that a delinquent child is a child 11 years of age or older who has committed a delinquent act. Currently, there is no minimum age for a child to be adjudicated delinquent. The bill provides that if a juvenile younger than 11 years of age is alleged to have committed an act that would be delinquent if committed by a child 11 years of age or older, the juvenile shall not be proceeded upon as delinquent; however, the court may make any orders of disposition authorized for a child in need of services or a child in need of supervision. The bill also provides that any funding that is available to provide services to a child 11 years of age or older who is proceeded upon as delinquent shall also be made available to a child younger than 11 years of age who is found to have committed a delinquent act in order to provide such child the same services.

Finally, the bill includes in the offense of causing or encouraging acts rendering children delinquent, abused, etc., any person 18 years of age or older, including the parent of any child, who willfully contributes to, encourages, or causes any act, omission, or condition that (i) causes a child younger than 11 years of age to commit a delinquent act or (ii) causes any child to participate in or become a member of a criminal street gang in violation of existing law. Under current law, any person who commits such offense is guilty of a Class 1 misdemeanor.

Budget Amendment Necessary: No **Items Impacted:** N/A
Explanation: Not applicable

Fiscal Summary: According to the Department of Juvenile Justice (DJJ), the provisions of this bill can be absorbed with existing resources.

Fiscal Analysis: The bill requires DJJ to provide any funding that is available to provide services to a child 11 years of age or older who is proceeded upon as delinquent to also be made available to a child younger than 11 years of age who is found to have committed a delinquent act to provide such child the same services. According to the agency, the provisions of this amendment can be absorbed with existing resources.

Additionally, the bill expands an existing Class 1 misdemeanor for causing or encouraging acts rendering children delinquent, abused, etc., to include any person 18 years of age or older, including the parent of any child, who willfully causes a child younger than 11 years of age to commit a delinquent act or causes any child to participate in or become a member of a criminal street gang. Anyone convicted of a Class 1 misdemeanor is

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subject to a sentence of up to 12 months in jail and a fine of not more than \$2,500, either or both. There is not enough information available to reliably estimate the increase in jail population as a result of this proposal. However, any increase in jail population will increase costs to the state. The Commonwealth currently pays localities \$5.00 a day for each misdemeanor or otherwise local-responsible prisoner held in a jail. It also funds a large portion of the jails' operating costs, e.g., correctional officers. The state's share of these costs on a per prisoner, per day basis varies from locality to locality. However, according to the Compensation Board's most recent Jail Cost Report (November 2024), the estimated total state support for local jails averaged \$56.38 per inmate, per day in FY 2023.

Other: None.