

FISCAL NOTE
LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)				
	FY 2013-14		FY 2014-15	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	1,034,543		6,333,601	
CASH FUNDS	7,500			
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	1,042,043		6,333,601	

Any Fiscal Notes received from state agencies and political subdivisions are attached following the Legislative Fiscal Analyst Estimate.

This bill would change court jurisdiction over juveniles and indictment procedures.

The following table summarizes the impact to Department of Health and Human Services:

	FY2013-14	FY2014-15	FY2013-14	FY2014-15
ITEMS	Number of Positions		Expenditures	
CFS Specialist	3.00	32.00	107,016	1,141,504
CFS Specialist Supervisor	0.50	5.00	22,160	221,603
Benefits			51,670	545,243
Operating			88,806	916,008
Aid+			453,256	3,196,286
TOTAL	3.50	37.00	722,908	6,020,644

+ Expenditures such as detention, tracker, electronic monitoring, and medical.

See the HHS response following for additional details. The HHS response also notes areas where they could incur additional expenses but they could not estimate these expenses at this time.

The following table summarizes the impact to the Supreme Court:

	FY2013-14	FY2014-15	FY2013-14	FY2014-15
ITEMS	Number of Positions		Expenditures	
Courtroom Clerk	2.00	2.00	51,004	52,152
Benefits			49,631	49,805
Hearing Officers*			100,000	100,000
Other Operating			100,000	100,000
Travel			11,000	11,000
Recording Equipment+			7,500	0
TOTAL	2.00	2.00	319,135	312,957

* Hearing officers: \$500/day for 200 days/year

+ Cash Fund

See the Supreme Court's response following for additional details. The Court states that there may be an impact on juvenile probation officers' caseloads; however, the specific impact has not been determined at this time.

ADMINISTRATIVE SERVICES-STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSES		
LB: LB 464	AM:	AGENCY/POLT. SUB: Supreme Court (005)
REVIEWED BY: Joe Wilcox	DATE: March 5 th , 2013	PHONE: (402) 471-4178
COMMENTS: The Supreme Court estimate of fiscal impact from LB 464 includes additional staffing of 2 Courtroom Clerks and additional contracted Hearing Officers, plus travel costs, in order to handle anticipated increases in court case volume.in the Juvenile Courts. The agency cost assumptions appear reasonable.		

ADMINISTRATIVE SERVICES-STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSES		
LB: LB 464	AM:	AGENCY/POLT. SUB: Dept. of Health and Human Services (025)
REVIEWED BY: Joe Wilcox	DATE: March 5 th , 2013	PHONE: (402) 471-4178
COMMENTS: The Department of Health and Human Services estimate of fiscal impact from LB 464 includes additional personnel and operating costs to handle continuation of providing services for juveniles after age 18, through age 21. The agency cost assumptions appear reasonable.		

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2013

LB⁽¹⁾ 464 FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ Supreme Court

Prepared by: ⁽³⁾ Eric Asboe Date Prepared: ⁽⁴⁾ 3/4/13 Phone: ⁽⁵⁾ 1-4138

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2013-14</u>		<u>FY 2014-15</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	<u>311,635</u>	<u> </u>	<u>312,957</u>	<u> </u>
CASH FUNDS	<u>7,500</u>	<u> </u>	<u> </u>	<u> </u>
FEDERAL FUNDS	<u> </u>	<u> </u>	<u> </u>	<u> </u>
OTHER FUNDS	<u> </u>	<u> </u>	<u> </u>	<u> </u>
TOTAL FUNDS	<u>319,135</u>	<u> </u>	<u>312,957</u>	<u> </u>

Return by date specified or 72 hours prior to public hearing, whichever is earlier.

Explanation of Estimate:

LB 464 concerns court jurisdiction regarding juveniles. As a result the caseload of, in particular, the separate juvenile courts of Douglas, Lancaster and Sarpy counties will increase significantly. To process this caseload, it is estimated that two hearing officers and two courtroom clerks to record proceedings may be required. One officer and clerk would be located in Douglas County and the other officer and clerk would serve in both Lancaster and Sarpy counties. In addition, there may be an impact on probation caseloads, specifically juvenile probation officers; however, the specific impact has not been determined at this time. General and Cash Fund expenditures would increase as shown.

Notes:

1. CY 2012 cases filed in county court that could potentially be filed in separate juvenile court under LB 464 for misdemeanors and felonies were approximately 900 for Douglas County, 500 for Lancaster County and 475 for Sarpy County. Information is from the court case management system.
2. Hearing officers, established per statute Sec. 24-230, would be contracted for at \$500/day for 200 days/year. Courtroom Clerk salaries for FY14-15 include a 2.25% increase.
3. Recording equipment would be a Cash Fund expense.
4. The county would be responsible for any operating expenses.

MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2013-14</u>	<u>2014-15</u>
	<u>13-14</u>	<u>14-15</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
Courtroom Clerk	<u>2.0</u>	<u>2.0</u>	<u>51,004</u>	<u>52,152</u>
Benefits.....			<u>49,631</u>	<u>49,805</u>
Operating.....			<u>200,000</u>	<u>200,000</u>
Travel.....			<u>11,000</u>	<u>11,000</u>
Capital outlay.....			<u>7,500</u>	<u> </u>
Aid.....			<u> </u>	<u> </u>
Capital improvements.....			<u> </u>	<u> </u>
TOTAL.....			<u>319,135</u>	<u>312,957</u>

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

State Agency or Political Subdivision Name:(2) Department of Health and Human Services

Prepared by: (3) Willard Bouwens

Date Prepared:(4) 3-4-13

Phone: (5) 471-8072

	FY 2013-2014		FY 2014-2015	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	\$722,908		\$6,020,644	
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	\$722,908	\$0	\$6,020,644	\$0

Return by date specified or 72 hours prior to public hearing, whichever is earlier.

Explanation of Estimate:

LB464 Sec. 9 would provide that:

Section 43-412, Revised Statutes Cumulative Supplement, 2012, is amended to read: 43-412 (1) Every juvenile committed to the Office of Juvenile Services pursuant to the Nebraska Juvenile Code or pursuant to subsection (3) of section 29-2204 shall remain committed until he or she attains the age of twenty-one years of age or is legally discharged. The bill states that the operative date would be January 1, 2014.

It is assumed that if the court's jurisdiction over OJS juveniles would continue to age 21 that the Department would also continue to incur expenditures for services ordered by the court including detention, tracker, and electronic monitoring services as well as supportive services and medical expenses. Medical expenses incurred while a juvenile was in detention but were not billed as a separate service cannot be determined. Given that the current capacity of detention facilities might not be able to accommodate the entire population of juveniles committed to detention (almost all juveniles are currently released from detention upon attaining age 18), the additional expenditures for tracker and electronic monitoring would be greater and would offset any decreases in detention costs. Costs for additions to existing juvenile facilities or new facilities are not estimated.

With an operative date of January 1, 2014, based on the current expenditures for 18-year old juveniles who would remain under jurisdiction of the court, the estimated expenditures for the FY 2013-14 would be \$453,256. For FY2014-15, with a population of 17-year old juveniles turning age 18 together with the original population of 18-year old juveniles, the estimated expenditures for services would be \$3,196,286. Estimated expenditures by the third fiscal year would be over \$5.4M.

Correspondingly additional staff would be required to maintain supervision of the juveniles remaining under court jurisdiction. There were 191 juveniles age 18 and 327 juveniles age 17 as of December 2012. Assuming that the half of the 18-year old age group would represent the prospective monthly population for the first half year and the combined total of 518 juveniles would represent the juvenile population for the second year, 6 additional staff (CFS Specialist) and 1 supervisor (CFS Specialist Supervisor) [Juvenile Service Officers and Supervisors] would be needed for the first year and 32 staff and 5 supervisors by the second year. By the third year potential population of juveniles still under court supervision would be approaching 845 and more staff would be required at that point. The estimated total cost of staffing for FY2013-14 is \$269,652 and for FY2014-15 \$2,824,358.

Besides the increased cost due to services and staff the Department would also incur additional expenses for the following items which cannot be estimated at this time:

Major changes would have to be made to current OJS rules and regulations. New rules and regulations would have to be written to address how OJS would serve juveniles from 19 to 21 years of age since age of majority is 19, how and where to detain the older population.

While some of the estimated expenditures may otherwise have been incurred for juveniles age 18 to 21 in an adult court these expenditures cannot be estimated.

Estimated total expenditures for LB464 are \$722,908 for FY 2013-2014 and \$6,020,644 for FY 2014-2015.

MAJOR OBJECTS OF EXPENDITURE				
PERSONAL SERVICES:				
POSITION TITLE	NUMBER OF POSITIONS		2013-2014	2014-2015
	13-14	14-15	EXPENDITURES	EXPENDITURES
CFS Specialist (C72312)	3.0	32.0	\$107,016	\$1,141,504
CFS Specialist Supervisor (R72313)	0.5	5.0	\$22,160	\$221,603
Benefits.....			\$51,670	\$545,243
Operating.....			\$88,806	\$916,008
Travel.....				
Capital Outlay.....				
Aid.....			\$453,256	\$3,196,286
Capital Improvements.....				
TOTAL.....			\$722,908	\$6,020,644