

**FISCAL NOTE**

**LEGISLATIVE FISCAL ANALYST ESTIMATE**

Updated for amendments adopted through January 28, 2016.

<b>ESTIMATE OF FISCAL IMPACT – STATE AGENCIES</b> (See narrative for political subdivision estimates)				
	<b>FY 2016-17</b>		<b>FY 2017-18</b>	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	30,000		0	
CASH FUNDS	54,000		0	
FEDERAL FUNDS				
OTHER FUNDS				
<b>TOTAL FUNDS</b>	<b>84,000</b>		<b>0</b>	

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

This bill would change provisions of the Security, Privacy, and Dissemination of Criminal History Information Act.

To comply with the provisions of this bill, the Supreme Court estimates a one-time Cash Fund expenditure of \$54,000 for additional programming of the judicial system’s computer case management system, and an on-going General Fund expenditure of \$5,725 for an existing position to handle the additional workload. This position would receive additional compensation to assume these additional duties. This activity can be accomplished within the Supreme Court’s current budget, so these costs are not reflected in the Legislative Fiscal Office estimate. See the attached response of the Supreme Court for additional details.

The Crime Commission states that they would need to make a one-time programming change to the Nebraska Criminal Justice Information System (NCJIS) at an estimated cost of \$30,000. See the agency response following for additional details.

The Nebraska State Patrol estimates no fiscal impact from this bill.



Please complete ALL (5) blanks in the first three lines.

2016

LB<sup>(1)</sup> 505, AM 1931

FISCAL NOTE

State Agency OR Political Subdivision Name: <sup>(2)</sup> NE Crime Commission

Prepared by: <sup>(3)</sup> Bruce Ayers Date Prepared: <sup>(4)</sup> 2-4-2016 Phone: <sup>(5)</sup> 402-471-0359

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2016-17</u>		<u>FY 2017-18</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	<u>30,000</u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
CASH FUNDS	<u>                    </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>30,000</u>	<u>                    </u>	<u>                    </u>	<u>                    </u>

Explanation of Estimate: LB505 as amended by AM 1931 requires that certain criminal history records be removed from the public record upon entry of an order dismissing a case. However, the data can still be used for certain criminal justices purposes by certain agencies. The Crime Commission manages the Nebraska Criminal Justice Information System (NCJIS) and this affects the availability and potential dissemination of these records.

Most criminal history data would be housed in local agencies and initially handled there. A variety of data is shared through NCJIS, though. For example, jail records are sent and stored on NCJIS for a variety of uses and users including searches and statistics. Statistics reflect actually activity that can affect staffing and not an individual reflection of an arrest and so must be somehow maintained. We have also discussed with the courts and Probation how records may be handled or flagged.

While there are a number of unknowns we have determined we must flag records either to prevent viewing by certain users/agencies or to display appropriate information about sealing or other limitations. To do this with limited Crime Commission staff intervention we will implement an automated process allowing agencies to flag their own records. We would then rely on automated processes at NCJIS to appropriately shield records.

Programming for NCJIS is done under contract and the main programmer has estimated a cost of \$30,000 (250 hours at \$120 per hour). This should handle all record types as well as any agency type.

This approach tries to address a huge unknown in the proposed legislation, namely the volume of potential records and individuals or events for which this action will be required. While events will need to be initially triggered by the courts there is no way to know the actual impact on workload and volume. By automating the process we should be able to minimize the impact on Crime Commission staff with one time programming costs while providing a way for state and local agencies to retain responsibility for their records.

We will have to incorporate training as part of our regular routine and address it at conferences and other meetings. Any other changes to statutes may require additional changes but this should implement the basis for a usable and long-term strategy regarding record availability.

**BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE**

**Personal Services:**

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2016-17</u>	<u>2017-18</u>
	<u>16-17</u>	<u>17-18</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
Benefits.....				
Operating.....			30,000	
Travel.....				
Capital outlay.....				
Aid.....				
Capital improvements.....				
<b>TOTAL</b> .....			<b>30,000</b>	

Please complete ALL (5) blanks in the first three lines.

**2016**

**LB<sup>(1)</sup> 505**

**FISCAL NOTE**

State Agency OR Political Subdivision Name: <sup>(2)</sup>

Nebraska State Patrol

Prepared by: <sup>(3)</sup> Carol Aversman

Date Prepared: <sup>(4)</sup> 12/2/2015

Phone: <sup>(5)</sup> 402-479-4545

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2016-17</u>		<u>FY 2017-18</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	_____	_____	_____	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
<b>TOTAL FUNDS</b>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>

Explanation of Estimate:

**No Fiscal Impact.**

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2016-17</u>	<u>2017-18</u>
	<u>16-17</u>	<u>17-18</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
<b>TOTAL.....</b>	_____	_____	<u>0.00</u>	<u>0.00</u>