

**FISCAL NOTE**  
**LEGISLATIVE FISCAL ANALYST ESTIMATE**

<b>ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)</b>				
	<b>FY 2018-19</b>		<b>FY 2019-20</b>	
	<b>EXPENDITURES</b>	<b>REVENUE</b>	<b>EXPENDITURES</b>	<b>REVENUE</b>
GENERAL FUNDS	1,209,860		422,950	
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
<b>TOTAL FUNDS</b>	<b>1,209,860</b>		<b>422,950</b>	

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

This bill would adopt the Sexual Assault Survivors' Bill of Rights Act.

The State Patrol estimates the following costs to implement the provisions of this bill:

ITEMS	FY2018-19	FY2019-20	FY2018-19	FY2019-20
	Number of Positions		Expenditures	
Forensic Scientist	3.00	3.00	153,207	153,207
Forensic Scientist Supervisor (reclassify existing Forensic Scientist)	1.00	1.00	13,468	13,468
Evidence Technician	1.00	1.00	27,448	27,448
Administrative Assistant	1.00	1.00	32,504	32,504
Benefits			71,053	71,053
Operating Costs			388,270	125,270
Capital Outlay			342,500	0
Capital Improvements: Remodel Biology Lab Space			135,010	0
Capital Improvements: Remodel Office & Data Analysis Space			46,400	0
<b>TOTAL</b>	<b>6.00</b>	<b>6.00</b>	<b>1,209,860</b>	<b>422,950</b>

Following is an explanation of the State Patrol's cost estimate shown in the above-table:

The State Patrol estimates an additional 600 sexual assault cases could be required to be tested by the Crime Lab. The average number of cases processed by a Forensic Scientist is 193, which means that the Crime Lab could require 3 additional scientists. To process this additional volume, the Crime Lab would also need to add an additional Evidence Technician and an Administrative Assistant to assist with the evidence. An additional Forensic Scientist Supervisor would be needed to supervise the added staff due to the complexity of DNA work, and the Patrol intends to reclassify an existing Forensic Scientist to the supervisor position.

As a further justification for the additional staff, the State Patrol notes that the 90 day turnaround time for the processing of these cases is significantly less than current turnaround time.

The Patrol further notes that they did not include a cost estimate for toxicology testing relevant to sexual assaults. Because of the complexity of adding this service, a great deal of research would be involved in order to estimate a cost.

Operating Costs in the above-table include the following items: software licenses and maintenance agreements for scientific equipment, laboratory supplies, and additional freezers to store evidence, training costs for the additional Forensic Scientists, leasing costs for off-site storage, and accreditation costs for the off-site storage.

Capital Outlay in the above-table include the following items: scientific Crime Lab equipment, additional computer equipment, security monitoring equipment, and additional storage shelving for the added off-site evidence storage space.

See the State Patrol's response attached for additional details not included in this fiscal note.

The University of Nebraska states that they will incur some costs, but they estimate no significant fiscal impact.

The Crime Commission states that they are required to develop a document that explains the rights of survivors. The agency notes that there will be a cost in producing and possibly printing this document, but the Crime Commission will absorb this cost.

The bill also states that it is the intent of the Legislature that \$XXX be appropriated for fiscal years 2018 to 2020 to implement the Sexual Assault Survivors' Bill of Rights Act. Since there is no dollar amount specified, this provision has an indeterminate impact.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
<b>LB: 1126</b>	<b>AM:</b>	AGENCY/POLT. SUB: <b>Nebraska State Patrol (064)</b>
REVIEWED BY: Joe Wilcox	DATE: 02/08/2018	PHONE: <a href="tel:4024714178">(402) 471-4178</a>
COMMENTS: No basis to dispute the Nebraska State Patrol estimate of potential Fiscal Impact to the Agency from LB 1126.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
<b>LB: 1126</b>	<b>AM:</b>	AGENCY/POLT. SUB: <b>Nebraska Commission on Law Enforcement and Criminal Justice (078)</b>
REVIEWED BY: Joe Wilcox	DATE: 02/05/2018	PHONE: <a href="tel:4024714178">(402) 471-4178</a>
COMMENTS: No basis to dispute the Nebraska Commission on Law Enforcement and Criminal Justice (Crime Commission) estimate of potential Fiscal Impact to the Agency from LB 1126.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
<b>LB: 1126</b>	<b>AM:</b>	AGENCY/POLT. SUB: <b>University of Nebraska (051)</b>
REVIEWED BY: Joe Wilcox	DATE: 01/25/2018	PHONE: <a href="tel:4024714178">(402) 471-4178</a>
COMMENTS: No basis to dispute the University of Nebraska estimate of No Fiscal Impact to the University from LB 1126.		

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

2018

LB<sup>(1)</sup> 1126

FISCAL NOTE

State Agency OR Political Subdivision Name: (2) Nebraska State Patrol

Prepared by: (3) Carol Aversman Date Prepared: (4) 2-6-18 Phone: (5)

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	FY 2018-19		FY 2019-20	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	\$1,209,860		\$422,950	
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	\$1,209,860		\$422,950	

Explanation of Estimate:

**LB1126 is known as the Sexual Assault Survivors' Bill of Rights Act. It requires the testing of sexual assault cases by the Nebraska State Patrol Crime Lab within 90 days of receipt of evidence, unless otherwise requested by the survivor. At a minimum, the Agency estimates that this will result in an increase of approximately 600 cases annually that will require testing. This estimate was derived from statistics reported by the Crime Commission as "Forcible Rape" cases in 2016 in Nebraska. This includes "attempts or assaults to commit rape by force or threat of force", however other sex offenses, including statutory rape are not included. For this reason, it is believed that testing all sexual assault cases will exceed the 800 noted. However, due to a lack of a better estimate the Agency has used approximately 800 total cases for purposes of completing this Fiscal Note. In 2016, the Crime Lab Biology Unit analyzed 202 Sexual Assault cases. Therefore, the increase in cases as a result of this bill is estimated at approximately 600 additional cases. In 2017, the average number of all Biology cases processed by a Biology Unit Forensic Scientist was 193. With an increase of 600 cases anticipated, this equates to 3 additional scientists (600 ÷ 193 = 3.1 FTE). In order to process this additional volume, the Agency estimates that it will also need to add an additional Evidence Technician, and an Administrative Assistant to assist with evidence. An additional Forensic Scientist Supervisor will be needed to supervise the added staff due to the complexity of the detailed work in DNA, the amount of required checks and balances, the continuous training and the degree of oversight needed. Should the bill pass, the Agency intends to reclassify an existing Forensic Scientist to this higher level position, if possible. The Fiscal Note includes the added cost of the Reclassification.**

**It is also important to note that the bill requires a 90 day turnaround time for the processing of these cases. This is significantly less than the average current turnaround time for the processing of violent cases by the Crime Lab, which further explains the need for additional staffing.**

**Note that the current Crime Lab facility lacks lab workstations and office/data analysis space to accommodate the additional staff that would be required should the bill be enacted. Remodeling and redesign will be needed in the Biology Extraction/Amp setup lab and the Biology administrative area, and conversion is needed of storage space to an additional office for the added staff needed to comply with the bill. The Agency estimates that 587 square feet of Biology Lab space will need to be remodeled at a cost of \$230 per square foot for a total cost of \$135,010. Additionally the Agency estimates that approximately 464 square feet of office and data analysis space will require remodeling at \$100 per square foot for a total cost of approximately \$46,400. These costs are reflected as Capital Improvements in the Fiscal Note for FY 2018-19.**

**Other Operating Costs included are various software licenses and maintenance agreements for scientific**

equipment totaling \$116,766, laboratory supplies (such as extraction kits) totaling \$87,504, additional freezers to store evidence totaling \$16,000, training costs for the additional Forensic Scientists totaling \$150,000, leasing costs for off-site storage of \$15,500, and accreditation costs for the off-site storage of \$2,500. In terms of assessing storage needs, the Agency assumed that freezer and storage shelving space for long term evidence storage would be needed for 10 year capacity for storing cut/collected samples and SA Kits. Note that the bill requires the Crime Lab to retain the sexual assault forensic evidence indefinitely. The Agency used square footage costs that exist for other Agency evidence storage leases and doubled the dimensions of the current in-house evidence room at the lab. The current lab storage space only contains temporary storage for evidence awaiting examination or return to the submitting agency.

Capital Outlay Costs in FY 2018-19 included on the Fiscal Note include the purchase of scientific Crime Lab equipment, additional computer equipment, security monitoring equipment and additional storage shelving for the added off-site evidence storage space. These total \$342,500.

Toxicology testing relevant to sexual assaults has not been included in this Fiscal Note. In order to properly provide this service, an entirely new testing program would need to be added, including instrumentation, at least 2 Forensic Scientists, a Program Leader with a Ph.D. in Pharmacology, and an addition to the facility to house the program. The Crime Lab currently does Toxicology testing for DUID cases, testing of drugs supported by Drug Recognition Expert (DRE) testimony for impairment. The range of drugs, dosages and affects relevant to sexual assaults requires a more complex form of toxicology and interpretation of results by a Ph.D. Due to the complexity of adding this service, a great deal of research would be involved in order to estimate a cost.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

POSITION TITLE	NUMBER OF POSITIONS		2018-19	2019-20
	18-19	19-20	EXPENDITURES	EXPENDITURES
Forensic Scientist	3	3	\$153,207	\$153,207
Forensic Scientist Supervisor (Reclass)	1	1	\$13,468	\$13,468
Evidence Technician	1	1	\$27,448	\$27,448
Administrative Assistant	1	1	\$32,504	\$32,504
Benefits.....			\$71,053	\$71,053
Operating.....			\$388,270	\$125,270
Travel.....				
Capital outlay.....			\$342,500	
Aid.....				
Capital improvements.....			\$181,410	
TOTAL.....			\$1,209,860	\$422,950

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**2018**

**LB<sup>(1)</sup> 1126**

**FISCAL NOTE**

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

NE Comm On Law Enforcement (Crime Commission)

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

Bruce Ayers

Date Prepared: <sup>(4)</sup>

2-2-2018

Phone: <sup>(5)</sup>

471-0359

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2018-19</u>		<u>FY 2019-20</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	_____	_____	_____	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
TOTAL FUNDS	=====	=====	=====	=====

Explanation of Estimate: LB 1126 requires the Crime Commission to develop a document that explains the rights of survivors pursuant to the Sexual Assault Survivors' Bill of Rights. This document shall be provided by a peace officer or medical provider upon initial interaction with the survivor. There will be a cost in producing and possibly printing this document, which will be absorbed by the Crime Commission.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2018-19 EXPENDITURES</u>	<u>2019-20 EXPENDITURES</u>
	<u>18-19</u>	<u>19-20</u>		
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____

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

**2018**

**LB<sup>(1)</sup> 1126**

**FISCAL NOTE**

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

Prepared by: <sup>(3)</sup> Michael Justus Date Prepared: <sup>(4)</sup> January 25, 2018 Phone: <sup>(5)</sup> 402-472-2191

**ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION**

	<u>FY 2018-19</u>		<u>FY 2019-20</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>	<b>=====</b>	<b>=====</b>	<b>=====</b>	<b>=====</b>

Explanation of Estimate:

The bill deals with sexual assault survivors and their rights. The University would incur some costs related to updating our training for police and medical providers. There is no significant fiscal impact to the University.

**BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE**

**Personal Services:**

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2018-19 EXPENDITURES</u>	<u>2019-20 EXPENDITURES</u>
	<u>18-19</u>	<u>19-20</u>		
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
<b>TOTAL.....</b>	<b>_____</b>	<b>_____</b>	<b>_____</b>	<b>_____</b>