

FISCAL NOTE
 LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)				
	FY 2024-25		FY 2025-26	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS				
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS				

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

LB 1057 outlines legal provisions related to arraignments, filing of juvenile petitions, and the jurisdiction of juvenile courts, focusing on the transfer of cases based on the age of the accused.

The bill states individuals accused of a crime may be subject to arraignment in either the county court or district court. Should an accused individual have been below the age of eighteen at the time of the alleged offense, they are entitled to petition for their case to be transferred to juvenile court. It is imperative to note that the accused's age at the time of charging, the submission of the transfer request, the transfer hearing, or at the point of judicial decision will not limit the court's authority to approve the transfer. The eligibility for case transfer is determined by the accused's age at the time of the offense, rather than their age during subsequent legal proceedings.

The Department of Health and Human Services (DHHS) states that extending jurisdiction into adulthood could potentially lead to considerations of Youth Residential Treatment Centers (YRTC) for older individuals, alongside challenges related to the Prison Rape Elimination Act (PREA), the need for increased facility capacity, staffing, and operational adjustments, as well as potential impacts on the frequency of hearings for YRTC attorneys, DHHS states that the current staff could manage these additional duties.

The Supreme Court estimates minimal fiscal impact to provide judicial education.

The Attorney General's office estimates no fiscal impact.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
LB: 1057	AM:	AGENCY/POLT. SUB: Nebraska Department of Health and Human Services (025)
REVIEWED BY: Joe Wilcox	DATE: 02/20/2024	PHONE: (402) 471-4178
COMMENTS: No disagreement with the Nebraska Department of Health and Human Services (DHHS) estimate of Potential, but Indeterminate Fiscal Impact to the Agency from LB 1057.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
LB: 1057	AM:	AGENCY/POLT. SUB: Nebraska Supreme Court (005)
REVIEWED BY: Joe Wilcox	DATE: 02/20/24	PHONE: (402) 471-4178
COMMENTS: No disagreement with the Supreme Court estimate of Minimal Fiscal Impact to the Judicial Branch from LB 1057, with no additional resources required.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE

LB: 1057 **AM:** AGENCY/POLT. SUB: **Nebraska Attorney General (011)**

REVIEWED BY: Joe Wilcox DATE: 01/16/2024 PHONE: (402) 471-4178

COMMENTS: No disagreement with the Nebraska Attorney General estimate of No Fiscal Impact to the Agency from LB 1057.

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

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

Prepared by: (3) John Meals

Date Prepared 2-20-2024

Phone: (5) 471-6719

	<u>FY 2024-2025</u>		<u>FY 2025-2026</u>	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS				
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	\$0	\$0	\$0	\$0

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

Explanation of Estimate:

LB1057 would change the requirements for juvenile arraignments, petitions, and jurisdictions relating to juvenile courts under the Nebraska Juvenile Code. It would allow individuals who commit a crime prior to age 18 to request the case be transferred from adult to juvenile court, regardless of how old the individual is at the time of the charging being filed or a motion to transfer requested. The bill would authorize the case to be transferred to juvenile court, even if the individual is over age 18.

There is no maximum age identified in the proposed legislation. Therefore, individuals over the age of 19 could have their cases transferred to juvenile court if the crime was committed prior to the individual being 18 years of age. The bill does not modify the juvenile code; therefore, it is unclear whether the juvenile court would be able to retain jurisdiction after age 19.

If the courts interpret this law to allow juvenile courts to maintain jurisdiction past age 19, then this bill does not clarify at what age juvenile court jurisdiction would terminate. Furthermore, if the juvenile court can maintain jurisdiction past age 19, although it may be unlikely, Youth Residential Treatment Centers (YRTC) could be one of the dispositions considered throughout the life of the juvenile case. There would also be impacts related to PREA and the sight and sound separation requirements as well as addressing an increased population size including additional space, staffing and operations for the adult population committed. There also could be increased hearings for the YRTC attorneys, though it is anticipated those hearings could be absorbed by the current staff.

MAJOR OBJECTS OF EXPENDITURE

PERSONAL SERVICES:	NUMBER OF POSITIONS		2024-2025	2025-2026
	POSITION TITLE	24-25	25-26	EXPENDITURES
Benefits.....				
Operating.....				
Travel.....				
Capital Outlay.....				
Aid.....				
Capital Improvements.....				
TOTAL.....			\$0	\$0

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

2024

LB⁽¹⁾ 1057

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ 05 Supreme Court

Prepared by: ⁽³⁾ Eric Asboe Date Prepared: ⁽⁴⁾ 2/19/2024 Phone: ⁽⁵⁾ 402-326-9215

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2024-25</u>		<u>FY 2025-26</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:

Minimal fiscal impact to provide judicial education. No additional resources required.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2024-25</u>	<u>2025-26</u>
	<u>24-25</u>	<u>25-26</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____

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

2024

LB⁽¹⁾ 1057

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ Attorney General

Prepared by: ⁽³⁾ Mike Guinan Date Prepared: ⁽⁴⁾ 1/16/2024 Phone: ⁽⁵⁾ 402-471-2687

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2024-25</u>		<u>FY 2025-26</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:

No Fiscal Impact.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2024-25 EXPENDITURES</u>	<u>2025-26 EXPENDITURES</u>
	<u>24-25</u>	<u>25-26</u>		
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____