

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

<b>ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)</b>				
	<b>FY 2023-24</b>		<b>FY 2024-25</b>	
	<b>EXPENDITURES</b>	<b>REVENUE</b>	<b>EXPENDITURES</b>	<b>REVENUE</b>
GENERAL FUNDS	\$55,577,762		\$55,578,055	
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
<b>TOTAL FUNDS</b>	<b>\$55,577,762</b>		<b>\$55,578,055</b>	

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

LB 110 changes provisions relating to bail, provides for a pilot project relating to pretrial risk assessment services, and provides duties for the State Court Administrator.

The State Court Administrator will establish a three-year pilot program and select two counties to develop and implement the program for the purpose for pretrial risk assessment and services, using the conditions of release set by subsection (6) of section 29-901. The participating counties, along with the Nebraska Center for Justice Research (NCJR) at the University of Nebraska at Omaha (UNO), will provide for the implementation of a pretrial risk assessment tool and costs associated with the implementation of conditions of release.

The Pilot program will include participation of district and county courts, county sheriff, and use of an evidence-informed, validated risk assessment tool to inform decisions regarding bonds and conditions of release to avoid pretrial incarceration.

**Expenditures:**

The University of Nebraska System states that the program would provide an opportunity for data collection that could support the community engagement of UNO and NCJR. The agency states that the cost of the pilot program would could cost \$10,262 for fiscal year 2023-24 and \$10,555 for fiscal year 2024-25.

LB 110 would require the State Court Administrator to establish a pretrial assessment pilot project to be set up in county with a population above 500,000 and one county below 500,000. The State Court Administrator would be required to reimburse the selected counties \$150 a day per person from pretrial incarceration. General Fund expenditures would increase as a result and the agency states that it would have an estimated fiscal impact as provided below:

- 1.) Douglas County is the only county with a population above 500,000. The county currently has a pretrial release program similar to LB 110 pilot project. The data collect according to 2022 approximately 3,000 individuals were released from incarceration to Douglas County pretrial pilot program, averaging 120 days on supervision. The State Court Administrator being required to reimburse the individuals \$150/per day would have an estimated General Fund impact of \$54 million.
- 2.) Due to the second site of the pilot project not being selected the fiscal impact is unknown. The agency uses Lancaster County as an example, which already has a pretrial release program. According to 2022 data from their pretrial release program, approximately 110 individuals were released from incarceration and supervised for an average of 95 days. Using this example the agency states the General Fund impact would be \$1,567,500.
- 3.) Judicial Branch responsibility extends only to selected pilot project sites and processing reimbursement payments. If LB 110 intends for the Judicial Branch to oversee the program it would be an additional fiscal impact.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
<b>LB: 110</b>	<b>AM:</b>	AGENCY/POLT. SUB: <b>Nebraska Supreme Court (005)</b>
REVIEWED BY: Joe Wilcox	DATE: 02/28/2023	PHONE: (402) 471-4178
COMMENTS: No basis to disagree with the Nebraska Supreme Court estimate of Potential, but at this point Indeterminate, Fiscal Impact to Agency from LB 110.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
<b>LB: 110</b>	<b>AM:</b>	AGENCY/POLT. SUB: <b>Nebraska Department of Correctional Services (046)</b>
REVIEWED BY: Joe Wilcox	DATE: 01/18/2023	PHONE: (402) 471-4178
COMMENTS: No disagreement with the Nebraska Department of Correctional Services estimate of No Fiscal Impact to the Agency from LB 110.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
<b>LB: 110</b>	<b>AM:</b>	AGENCY/POLT. SUB: <b>Nebraska Board of Parole (015)</b>
REVIEWED BY: Joe Wilcox	DATE: 01/17/2023	PHONE: (402) 471-4178
COMMENTS: Concur with the Nebraska Board of Parole estimate of No Fiscal Impact to the Agency from LB 110.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
<b>LB: 110</b>	<b>AM:</b>	AGENCY/POLT. SUB: <b>University of Nebraska (051)</b>
REVIEWED BY: Joe Wilcox	DATE: 01/19/2023	PHONE: (402) 471-4178
COMMENTS: No basis to disagree with the University of Nebraska estimate of potential Fiscal Impact to the University from LB 110.		

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

**2023**

**LB<sup>(1)</sup> 110**

**FISCAL NOTE**

State Agency OR Political Subdivision Name: <sup>(2)</sup> 05 Supreme Court

Prepared by: <sup>(3)</sup> Eric Asboe Date Prepared: <sup>(4)</sup> 2/25/2023 Phone: <sup>(5)</sup> 402-326-9215

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

	<u>FY 2023-24</u>		<u>FY 2024-25</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	_____	_____	See below	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
TOTAL FUNDS	=====	=====	=====	=====

**Explanation of Estimate:**

LB110 requires a pretrial assessment pilot project be set up in one county with a population above 500,000 and one county below 500,000. LB110 also requires the State Court Administrator to reimburse the selected counties \$150/day/person released from pretrial incarceration. General Fund expenditures will increase as a result. A partial estimate of the fiscal impact is provided below:

- Douglas County is the only county with a population above 500,000. It currently has a county-run pretrial release program similar to a LB110 pilot project. According to 2022 data from this program, approximately 3,000 persons were released from incarceration to the Douglas County pretrial release program with each person averaging 120 days on supervision. Using this data, at \$150/day, the estimated General Fund impact would be \$54 million.
- The fiscal impact of the second pilot project site is unknown since it has not been selected. However, to provide an example, Lancaster County also has a pretrial release program. It's 2022 data shows approximately 110 persons were released from incarceration to the Lancaster County pretrial release program. Each person was supervised an approximate average of 95 days. At \$150/day, the estimated fiscal impact would be \$1,567,500.
- Other assumptions:
  - All pilot project operating costs would be a county responsibility.
  - FY24-25 would be the first full year of operation.
  - Judicial Branch responsibility extends only to selecting pilot sites and processing reimbursement payments. If the intent of LB110 is for the Judicial Branch to oversee the program to include, but not limited to, financial and performance auditing, there would be an additional General Fund impact (see Note below).

Note. This fiscal note may be amended at a later date if the Judicial Branch is able to receive more information regarding the intent of LB110.

**BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE**

**Personal Services:**

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2023-24</u>	<u>2024-25</u>
	<u>23-24</u>	<u>24-25</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
_____	_____	_____	_____	_____

<b>Benefits</b> .....				
<b>Operating</b> .....				
<b>Travel</b> .....				
<b>Capital outlay</b> .....				
<b>Aid</b> .....				
<b>Capital improvements</b> .....				
<b>TOTAL</b> .....				

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

**2023**

**LB<sup>(1)</sup> 110**

**FISCAL NOTE**

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

Prepared by: <sup>(3)</sup> Lisa Stanton Date Prepared: <sup>(4)</sup> 01/10/2023 Phone: <sup>(5)</sup> (402)479-5702

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

	<u>FY 2023-24</u>		<u>FY 2024-25</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:

NDCS estimates no fiscal impact as a result of LB 110.

**BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE**

**Personal Services:**

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2023-24</u>	<u>2024-25</u>
	<u>23-24</u>	<u>24-25</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.

**2023**

**LB<sup>(1)</sup> 110**

**FISCAL NOTE**

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

Prepared by: <sup>(3)</sup> Rosalyn Cotton Date Prepared: <sup>(4)</sup> January 13, 2023 Phone: <sup>(5)</sup> 402 479-5731

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

	<u>FY 2023-24</u>		<u>FY 2024-25</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 110- No Fiscal Impact

**BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE**

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2023-24</u>	<u>2024-25</u>
	<u>23-24</u>	<u>24-25</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.

**LB <sup>(1)</sup> 0110 Change potential conditions of pretrial release and provide for a pretrial risk assessment services pilot project FISCAL NOTE**

State Agency OR Political Subdivision Name:<sup>(2)</sup> University of Nebraska System  
 Prepared by:<sup>(3)</sup> Chris Kabourek Date Prepared:<sup>(4)</sup> 01/19/2023 Phone:<sup>(5)</sup> (402) 472-7102

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

	FY 2023 - 24		FY 2024 - 25	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	<u>10,262.00</u>	<u>0.00</u>	<u>10,555.00</u>	<u>0.00</u>
CASH FUNDS	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
FEDERAL FUNDS	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
OTHER FUNDS	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
TOTAL FUNDS	<u>10,262.00</u>	<u>0.00</u>	<u>10,555.00</u>	<u>0.00</u>

**Explanation of Estimate:**

LB 110 would create a pilot project that would include a partnership with the Nebraska Center for Justice Research (NCJR) at the University of Nebraska at Omaha (UNO).

The University does not anticipate any revenue produced during the three-year pilot. This program would also provide an opportunity for data collection that could support the community engagement mission of UNO and NCJR.

The costs are representative of two separate years of the program. This would not necessarily be 2023-24 and 2024-25 because the program will not start until participants have been secured.

**BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE**

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2023 - 24</u>	<u>2024 - 25</u>
	<u>23 - 24</u>	<u>24 - 25</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
<u>Research Associate</u>	<u>1</u>	<u>1</u>	<u>3,310.00</u>	<u>3,410.00</u>
<u>Associate Professor</u>	<u>1</u>	<u>1</u>	<u>4,199.00</u>	<u>4,325.00</u>
Benefits.....			<u>2,253.00</u>	<u>2,320.00</u>
Operating.....				
Travel.....			<u>500.00</u>	<u>500.00</u>
Capital outlay.....				
Aid.....				
Capital improvements.....				
TOTAL.....			<u>10,262.00</u>	<u>10,555.00</u>