

**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	See Below		See Below	
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	See Below		See Below	

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

LB 352 creates the Justice Reinvestment Oversight Task Force and terminates the Committee on Justice Reinvestment Oversight. The Bill looks to provide for parole for geriatric offenders, provide duties for courts, the probation administrator, Board of Parole, Division of Parole Supervision, State Court Administrator and The Department of Correctional Services. LB 352 also provides additional benefits under the Rural Health Systems and Professional Incentive Act.

The bill states that a district court can establish a problem-solving court, and it will function within the existing structure of the court system. An individual can participate in a problem-solving court through a pretrial diversion program, as a condition of probation, as a response to a technical violation of parole, or as a sentence imposed by a court.

The Legislature intends for the funds to be appropriated separately to the Supreme Court so that each judicial district can operate at least one drug, veterans, mental health, driving under the influence, reentry, and young adult problem-solving courts. The State Court Administrator will make be responsible for ensuring each judicial district has at least one of such courts by January 1, 2024 and will track and evaluate outcomes of such courts.

The State Court Administrator will create a pilot program to utilize physical space and information technology resources within Nebraska courts to serve as points of access for virtual behavioral health services for those involved in courts. The pilot program will be limited to single probation district, and the district will be chosen by the State Court Administrator. The purpose of the program is to provide access to safe confidential, and reliable behavioral health treatment via telehealth for Nebraskans involved with the criminal justice system, either as defendants, probationers, or victims in a criminal proceeding.

The Probation administrator will create a pilot program to establish a probationer incentive program, and will be limited to a single probation district which will be selected by the State court Administrator. The pilot program will establish a gift fund that will be used for the purchase of gift cards, vouchers, and other tangible rewards for probationers who are succeeding at probation, that will encourage continued success and reduce recidivism. The gifts will be awarded at the discretion of probation officers.

The Justice Reinvestment Oversight Task Force is created with the purpose to evaluate implementation of the Nebraska Justice Reinvestment Initiative, LB 352 and related issues. The task force will consist of ten members that will monitor and guide analysis and policy development in all aspects of the criminal justice system within the scope of the justice reinvestment initiative, including tracking implementation of evidence-based strategies that were established in Laws 2014, LB 605, and this legislative bill and reviewing policies and practices to improve public safety, reduce recidivism, reduce spending on corrections in Nebraska. The task force will monitor performance and measure outcomes by collecting data from counties and relevant state agencies for analysis and reporting. Administrative and staff support for the task force will be provided by the Nebraska Commission on Law Enforcement and Criminal Justice. The Committee originally established for these duties will be terminated on September 30, 2023.

The total amount of financial assistance provided through student loans for a doctorate-level or master's level mental health student will be the full amount of such loans for a person who practices psychiatry, psychology, or mental health practice. This happens when the following requirements are met:

1. For at least five years in a designated health profession shortage area and if all and if all or a majority of such practice consists of the treatment of members of the community supervision population.

Revenue:

The Nebraska Commission on Public Advocacy is solely funded by \$3 Indigent Defense fee taxed as costs to most cases filed in Nebraska's state courts. If individuals in problem solving courts are not required to pay the Indigent Defense Fee, the Commission will lose revenue. Diversion, STOP classes, and problem-solving courts have caused fewer cases to be filed, and because fewer cases are filed in the courts the Commission's annual revenue is down approximately \$500,000 compared to FY 2008-2009.

Section 20 of the bill states that the amount a defendant pays towards fines, costs and restitution are only applied to the restitution obligation until it is satisfied in full. This will may cause the Commission to lose revenue it receives through the payments of the Indigent Defense Fee. The amount of revenue lost is unknown at this time.

Expenditures:

The Nebraska Board of Parole states that this bill would create an increased number of parole clients and would increase the need for staffing and programing but the cost is not available at this time. The cost per parolee per year is \$3,514.78 (\$10/ per day), this cost includes operating expenses, treatments and transitional housing stipends and miscellaneous expenses. The agency states the if Residential substance Abuse Treatment is needed that there would be additional cost of \$7,500 per client which totals to \$11,014.78 per year.

The Nebraska Crime Commission states the following positions would need to be created, filed and maintained to provide the support for the proposed task force along with salaries:

1. Admin Programs Officer - \$44,941
2. Admin Tech - \$34,070
3. Program Analyst - \$34,070
4. Two research analyst - \$88,316 (\$44,158/ per analyst)

The agency estimates also includes travel and admin cost that has an average of \$9,000 per person.

LB 352 requires problem solving courts to report recidivism and underserved judicial districts which the Supreme Court estimates a General Fund cost of \$150,000 for Fiscal year 2024 and 2025. The Telehealth pilot program would have an estimated General Fund cost of \$85,000 in Fiscal year 2024 and \$81,500 in Fiscal year 2025. The Assistant Probation Officer (APO) pilot would have an estimated cost of \$1,612,160 in Fiscal year 2024 and \$1,639,676 in Fiscal year 2025. Incentives in section 16 would have a cost of \$338,650 in Fiscal year 2024.

The Justice reinvestment Oversight Task Force will have a minimal fiscal impact to participate in. IT expenses based on modifications needed to be made to the Judicial Branch case management system will have an estimated impact in Fiscal year 2024 for \$40,000.

The Nebraska Department of Correctional Services (NDCS) states that this bill could reduce the number of persons in prison but the specific amount is indeterminable at this time. NDCS estimates the cost of programming changes required to the sentence calculation system to be a total cost of \$102,400.

<b>ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY &amp; POLT. SUB. RESPONSE</b>		
<b>LB: 352</b>	<b>AM:</b>	<b>AGENCY/POLT. SUB: Nebraska Supreme Court (005)</b>
REVIEWED BY: Joe Wilcox	DATE: 01/30/2023	PHONE: (402) 471-4178
COMMENTS: No basis to dispute the Nebraska Supreme Court estimate of Potential Fiscal Impact to the Courts and Probation from LB 352.		

<b>ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY &amp; POLT. SUB. RESPONSE</b>		
<b>LB: 352</b>	<b>AM:</b>	<b>AGENCY/POLT. SUB: Nebraska Board of Parole (015)</b>
REVIEWED BY: Joe Wilcox	DATE: 01/26/2023	PHONE: (402) 471-4178
COMMENTS: No Basis to Disagree with the Nebraska Board of Parole estimate of Potential, but Indeterminate Fiscal Impact to the Agency from LB 352.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
<b>LB: 352</b>	<b>AM:</b>	<b>AGENCY/POLT. SUB: Nebraska Commission on Law Enforcement and Criminal Justice (078)</b>
REVIEWED BY: Joe Wilcox	DATE: 01/23/2023	PHONE: (402) 471-4178
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 352.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
<b>LB: 352</b>	<b>AM:</b>	<b>AGENCY/POLT. SUB: Nebraska Commission on Public Advocacy (094)</b>
REVIEWED BY: Joe Wilcox	DATE: 01/17/2023	PHONE: (402) 471-4178
COMMENTS: No Basis to disagree with the Nebraska Commission on Public Advocacy estimate of potential, but Indeterminate Cash Fund Revenue loss impact to the Agency from LB 352.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
<b>LB: 352</b>	<b>AM:</b>	<b>AGENCY/POLT. SUB: Nebraska State Patrol (064)</b>
REVIEWED BY: Joe Wilcox	DATE: 01/25/2023	PHONE: (402) 471-4178
COMMENTS: Do not disagree with the Nebraska State Patrol estimate of No Fiscal Impact to the Agency from LB 352.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
<b>LB: 352</b>	<b>AM:</b>	<b>AGENCY/POLT. SUB: Nebraska Supreme Court (005)</b>
REVIEWED BY: Joe Wilcox	DATE: 01/30/2023	PHONE: (402) 471-4178
COMMENTS: No basis to dispute the Nebraska Supreme Court estimate of Potential Fiscal Impact to the Courts and Probation from LB 352.		

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

**2023**

**LB<sup>(1)</sup> 352**

**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> 1/29/2023 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	<u>See below</u>	<u>                    </u>	<u>See below</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>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>

**Explanation of Estimate:**

Preliminary estimates and comments are below for LB352 sections and IT costs that impact the Judicial Branch.

Section 1: Problem-solving courts. As of 2023, the intent of at least one problem-solving court in each judicial district has been met. However, subsection (6) requires a report regarding recidivism and underserved judicial districts. Estimated General Fund impact: FY24 \$150,000, FY25 \$150,000.

Section 2: Telehealth pilot. A portion of this pilot has an unknown fiscal impact. Physical space and some technology is a county responsibility. However, Judicial Branch IT support and some equipment will be needed to conduct the pilot and provide the required report. Estimated General Fund impact: FY24 \$85,000, FY25 \$81,500.

Sections related to sentencing and offenses. These sections may affect both Probation workload and services as well as judicial workload. Estimated impact is unknown at this time. See IT expenses below.

Section 16: Set aside and advisement language. Minimal fiscal impact to develop standardized language, procedures for probation officers and forms. See IT expenses below.

Section 18: Assistant Probation Officer (APO) pilot. Estimated General Fund impact: FY24 \$1,612,160, FY25 \$1,639,676

Section 19: Incentives. Estimated General Fund impact: FY24 \$338,650

Section 20: Restitution. Clarification is needed since this provision may conflict with other statutes. See IT expenses below.

Section 22. Justice Reinvestment Oversight Task Force. Minimal fiscal impact to participate in the Task Force. Data requirements from the Task Force may require additional resources, but they are unknown at this time.

IT expenses. Modifications will need to be made to JUSTICE, the Judicial Branch case management system, as a result of changes to sentencing and offenses and several projects listed above. Total estimated General Fund impact: FY24 \$40,000.

**BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE**

**Personal Services:**

<b><u>POSITION TITLE</u></b>	<b>NUMBER OF POSITIONS</b>		<b>2023-24</b>	<b>2024-25</b>
	<b><u>23-24</u></b>	<b><u>24-25</u></b>	<b><u>EXPENDITURES</u></b>	<b><u>EXPENDITURES</u></b>
Benefits.....				
Operating.....				
Travel.....				
Capital outlay.....				
Aid.....				
Capital improvements.....				
<b>TOTAL</b> .....				

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

**2023**

**LB<sup>(1)</sup> 352**

**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> 1/19/2023 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 352 - Change criminal justice provisions including offenses, sentencing, set asides, restitution, pretrial diversion, and parole; provide for benefits under the Rural Health Systems and Professional Incentive Act; create criminal justice pilot programs; terminate an oversight committee; and create a task force.

The Division of Parole and the Department of Corrections is to establish a pilot residential housing program for parolees who commit technical violations. The housing is to be located within one or more facilities as designated by the Director of Corrections. There would be costs to convert existing space in the chosen facility and staff and programming costs. Those projected costs are not available at this time.

An increased number of parole clients would increase staff and programming costs, but the projections are not available at this time. Estimates are below:

**Cost per Parolee per Year:**

The cost per parolee per year is \$3,514.78 or approximately \$10.00/day. This includes operating expenses, treatment (domestic violence groups, intensive outpatient substance abuse treatment, trauma recovery groups etc.) transitional housing stipends (up to ninety days) and miscellaneous expenses.

\* If Residential Substance Abuse Treatment is needed an additional \$7,500 per client is needed for a total of \$11,014.78 per year.

**Staffing Patterns/Needs:**

For every fifty moderate risk parole clients released one parole officer is needed.  
 For every thirty high risk parole clients released one officer is needed.

**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.....	_____	_____	_____	_____

<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> 352**

**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> 01/18/2023 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	\$102,400			
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
<b>TOTAL FUNDS</b>	<u>\$102,400</u>			

**Explanation of Estimate:**

LB352 changes criminal justice provisions including offenses, sentencing, set asides, restitution, pretrial diversion and parole; provides for geriatric parole; creates criminal justice pilot programs; terminates the Committee on Justice Reinvestment Oversight; and creates the Justice Reinvestment Oversight Task Force. The bill could reduce the number of persons in prison. The specific amount of impact is indeterminable.

As of December 2022, the average daily prison population (ADP) was 147% of design capacity. The FY22 per diem cost was \$28.38 for each inmate, or \$10,358.63 per year.

NDCS estimates the cost of programming changes required to the sentence calculation system (development, testing and implementation) to be \$102,400.

**BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE**

**Personal Services:**

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2023-24 EXPENDITURES</u>	<u>2024-25 EXPENDITURES</u>
	<u>23-24</u>	<u>24-25</u>		
Benefits.....				
Operating.....			\$102,400	
Travel.....				
Capital outlay.....				
Aid.....				
Capital improvements.....				
<b>TOTAL.....</b>			<u>\$102,400</u>	

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

**2023**

**LB<sup>(1)</sup> 352**

**FISCAL NOTE**

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

Prepared by: <sup>(3)</sup> Amanda Limbach Date Prepared: <sup>(4)</sup> 1/20/23 Phone: <sup>(5)</sup> 402-471-8799

**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	<u>384,160</u>	<u>                    </u>	<u>384,160</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>
<b>TOTAL FUNDS</b>	<u><u>384,160</u></u>	<u><u>0</u></u>	<u><u>384,160</u></u>	<u><u>0</u></u>

**Explanation of Estimate:**

The following positions would need to be created, filled, and maintained to provide the support for the proposed task force: Admin Programs Officer (\$44,941), Admin Tech (\$34,070), Program Analyst (\$34,070), and two research analyst (2 @ \$44,158 is \$88,316,) plus benefits for all positions. Estimates also includes travel, admin costs (average \$9,000 per person).

**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>5</u>	<u>5</u>	<u>201,400</u>	<u>201,400</u>
Benefits.....			<u>137,760</u>	<u>137,760</u>
Operating.....			<u>45,000</u>	<u>45,000</u>
Travel.....			<u>                    </u>	<u>                    </u>
Capital outlay.....			<u>                    </u>	<u>                    </u>
Aid.....			<u>                    </u>	<u>                    </u>
Capital improvements.....			<u>                    </u>	<u>                    </u>
<b>TOTAL.....</b>			<u><u>384,160</u></u>	<u><u>384,160</u></u>

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

**2023**

**LB<sup>(1)</sup> 352**

**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> 01-23-2023 Phone: <sup>(5)</sup> 402-471-4545

**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:

**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.

2023

LB<sup>(1)</sup> 352

FISCAL NOTE

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

Prepared by: <sup>(3)</sup> Jeffery A. Pickens Date Prepared: <sup>(4)</sup> 1-16-2023 Phone: <sup>(5)</sup> 402-471-7775

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

	FY 2023-24		FY 2024-25	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS		see		see
CASH FUNDS		explanation		explanation
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS				

Explanation of Estimate:

The Commission on Public Advocacy is solely funded by a \$3 Indigent Defense Fee taxed as costs to most cases filed in Nebraska's state courts. If the participants in problem solving courts are not required to pay the Indigent Defense Fee, the Commission will lose revenue that it would have received if the cases had been filed in the courts in the traditional manner. The Commission has no way of knowing how many people will participate in problem solving courts that do not require payment of the Indigent Defense Fee. Case filings have declined every year since FY2008-09. Diversion, STOP classes, and problem solving courts are believed to be part of the reason why fewer cases are filed in the courts. Because fewer cases are filed in the courts, the Commission's annual revenue is down approximately \$500,000 compared to FY2008-09.

Regarding section 20 of LB 352, if funds a defendant pays toward fines, costs, and restitution are only applied to the restitution obligation until it is satisfied in full, the Commission may lose revenue it receives through payments of the Indigent Defense Fee. The Commission is unable to predict how much revenue it will lose, if any, if this section is enacted.

**BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE**

Personal Services:

POSITION TITLE	NUMBER OF POSITIONS		2023-24	2024-25
	23-24	24-25	EXPENDITURES	EXPENDITURES
Benefits.....				
Operating.....				
Travel.....				
Capital outlay.....				
Aid.....				
Capital improvements.....				

**TOTAL**.....

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_