PREPARED BY: DATE PREPARED: PHONE: Kenneth Boggs February 03, 2023 402-4710050

LB 352

Revision: 01

FISCAL NOTE

LEGISLATIVE FISCAL ANALYST ESTIMATE

Revised to include new Agency Response

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)								
	FY 2023-24 FY 2024-25							
_	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE				
GENERAL FUNDS								
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 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 Board of Parole established a pilot residential PREP program for parolees who commit technical violations. The current cost are as follows:

- 1. Rent for house = \$68,000 per year
- 2. Utilities cost (electric, gas, water/sewer, internet) = Estimated \$9,600 per year
- 3. Operational costs = \$100,000 per year
- 4. Clinical Program Contracts = \$75,000 per year
- 5. Long-term (one-time costs)
 - a. Furniture (beds, dressers, tables, chairs, sofas) = \$20,000
 - b. Training cost = \$84,000 (\$14,000 x 6 parole officers)

The Board of Parole requested ongoing funding related to the PREP program in its agency budget request for the upcoming biennium. LB 50 section 1 requires problem solving courts to report recidivism and underserved judicial districts.

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.

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

LB: 352 AM: AGENCY/POLT. SUB: Nebraska Department of Correctional Services (046)

REVIEWED BY: Joe Wilcox DATE: 01/23/2023 PHONE: (402) 471-4178

COMMENTS: No basis to dispute the Nebraska Department of Correctional Services (NDCS) estimate of potential one-time Fiscal Impact for sentence calculation programming changes, and Potential, but Indeterminate long range Fiscal Impact to the Agency from LB 352.

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

LB: 352 AM: AGENCY/POLT. SUB: Nebraska Commission on Law Enforcement and Criminal Justice (078)

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

LB: 352 AM: AGENCY/POLT. SUB: Nebraska Commission on Public Advocacy (094)

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

LB: 352 AM: AGENCY/POLT. SUB: Nebraska State Patrol (064)

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

LB: 352 AM: AGENCY/POLT. SUB: Nebraska Supreme Court (005)

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.

LB ⁽¹⁾ 352 revis	ed			FISCAL NOTE
State Agency OR Political	Subdivision Name: (2)	Nebraska Board o	f Parole	
Prepared by: (3) Rosa	lyn Cotton	Date Prepared: (4)	2/2/2023 Phone	: (5) 402.479.5731
I	ESTIMATE PROVID	ED BY STATE AGEN	CY OR POLITICAL SUBDI	VISION
	FY 2	2023-24	FY	2024-25
	EXPENDITURES	<u>REVENUE</u>	EXPENDITURES	<u>REVENUE</u>
GENERAL FUNDS	\$845,193		\$765,722	
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	\$845,193		\$765,722	

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.

Residential Housing Program:

The Board of Parole/ Division of Parole Supervisions has established a pilot residential PREP program for parolees who commit technical violations or otherwise need a reset in the community and can continue to be supervised safely in the community.

Current rent for the house= \$68,000 per year.

Estimated Utilities costs (Including electric, gas, water/sewer, internet)=\$9600.00/year

Operational costs (including household supplies, pantry staples, security system)=\$100,00/year

Clinical program contracts= \$75,000/year

Long-term one-time costs (Included in 2023-24 expenditures only):

Furniture (beds, dressers, tables, chairs, sofas): \$20,000

Training cost for six parole officers: \$84,000

*It should be noted that increased capacity will not necessarily increase costs related to staffing and clinical program contracts.

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.

·	OWN BY MAJO	OR OBJECTS OF	EXPENDITURE	-
Personal Services:	NUMBER OI	F POSITIONS	2023-24	2024-25
POSITION TITLE	<u>23-24</u>	<u>24-25</u>	EXPENDITURES	EXPENDITURES
Administrative Assistant	1	1	\$36,700	\$38,535
Parole Officer	6	6	\$328,324	\$344,740
Supervisor	2	2	\$123,569 Included in	\$129,847 Included in
Benefits			above	above
Operating	•••		\$356,600	252,600
Travel			0	0
Capital outlay			0	0
Aid			0	0
Capital improvements			0	0
TOTAL			\$845,193	\$765,722

Note: The Expenditures include the PREP program cost and do not reflect the cost of a larger facility.

LB ⁽¹⁾ 352						FISCAL NOTE
State Agency OR Political Sub	Nebraska Department of Correctional Services					
Prepared by: (3) Lisa Star	Prepared by: (3) Lisa Stanton			01/18/2023	Phone:	(5) (402)479-5702
ES	TIMATE PROV	IDED BY	STATE AGEN	CY OR POLI	ΓΙCAL SUBDI	VISION
	<u>FY</u>	2023-24	<u> </u>		FY 20	<u> </u>
<u>E</u>	EXPENDITURES	<u> </u>	<u>REVENUE</u>	EXPEN	<u>DITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	\$102,400			<u> </u>		
CASH FUNDS		_		<u> </u>		
FEDERAL FUNDS		. <u> </u>				
OTHER FUNDS						
TOTAL FUNDS	\$102,400	= <u>=</u>		· —		
Explanation of Estimate:						
diversion and parole; pro Committee on Justice Re The bill could reduce the As of December 2022, the diem cost was \$28.38 for NDCS estimates the cost testing and implementation	einvestment Over number of persone average daily reach inmate, of	ersight; sons in p prison or \$10,3	and creates the orison. The spopulation (AI 58.63 per year	ne Justice Re pecific amoun DP) was 1479	investment O t of impact is % of design ca	versight Task Force. indeterminable. apacity. The FY22 pe
Personal Services:	BREAKDOV	VN BY M	IAJOR OBJECT	S OF EXPEN	DITURE	-
POSITION TITL		UMBER <u>23-24</u>	OF POSITIONS <u>24-25</u>		23-24 IDITURES	2024-25 EXPENDITURES
Benefits						
Operating				\$10	02,400	-
Travel					· · · · · · · · · · · · · · · · · · ·	
Capital outlay						
Aid						
Capital improvements						
TOTAL				\$10	02 400	

LB ⁽¹⁾ 352				FISCAL NOTE
State Agency OR Po	olitical Subdivision Name: (2)	Nebraska Crime C		
Prepared by: (3)	Amanda Limbach	Date Prepared: ⁽⁴⁾	1/20/23 Phone	:: (5) 402-471-8799
	ESTIMATE PROVI	DED BY STATE AGEN	NCY OR POLITICAL SUBDI	IVISION
GENERAL FUND CASH FUNDS FEDERAL FUND	EXPENDITURES OS 384,160	2023-24 <u>REVENUE</u>	EXPENDITURES 384,160	024-25 <u>REVENUE</u>
OTHER FUNDS TOTAL FUNDS	384,160	0	384,160	0

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).

BREAKI	OOWN BY MAJ	OR OBJECTS O	F EXPENDITURE	
Personal Services:				
POSITION TITLE	NUMBER OF <u>23-24</u>	F POSITIONS <u>24-25</u>	2023-24 <u>EXPENDITURES</u>	2024-25 EXPENDITURES
	5	5	201,400	201,400
Benefits			137,760	137,760
Operating			45,000	45,000
Travel				
Capital outlay				
Aid				
Capital improvements				
TOTAL			384,160	384,160

Capital improvements.....

LB ⁽¹⁾	352							FISCAL NOTI
State Ag	gency OR l	Political S	Subdivision Name:	NE Co	ommission on Publ	ic Advocacy		
Prepare	ed by: ⁽³⁾	Jeffer	y A. Pickens	Da	ite Prepared: (4)	1-16-2023	Phone:	(5) 402-471-7775
			ESTIMATE PRO	OVIDED B	Y STATE AGEN	CY OR POLI	TICAL SUBDI	VISION
			_	FY 2023-2		EWDEN		<u>)24-25</u>
			EXPENDITUR	<u>tes</u>	REVENUE	EXPE	<u>NDITURES</u>	<u>REVENUE</u>
GENE	RAL FUN	DS			see	<u> </u>		see
CASH 1	FUNDS				explanation			explanation
FEDEF	RAL FUN	DS						
OTHE	R FUNDS	}				<u> </u>		
TOTA	L FUNDS							
Explan	ation of E	Stimate:						
in the particip have of to be put the Co	courts in pate in pate in pate in pate in pate in pate in part of the part of	the trace roblem every year e reason n's ann tion 20 on n obligate e Indige	ditional manner. solving courts the ear since FY200 n why fewer casual revenue is conf LB 352, if function until it is said and the earth Defense Feenacted.	The Comhat do not 08-09. Diverse are filed down approached a defeatisfied in the Co	nmission has not require paymetersion, STOP of the courts roximately \$500 and ant pays townfull, the Commi	o way of kno ent of the Ind classes, and so Because for the D,000 comparant fines, consistent from the prediction of the	wing how mar igent Defense problem solving ewer cases are red to FY2008 ests, and restituse revenue it ect how much it	Fee. Case filings ng courts are believe e filed in the courts,
Person	al Service	s:						
	POSIT	ION TI	TLE	NUMBER <u>23-24</u>	OF POSITIONS <u>24-25</u>		023-24 NDITURES	2024-25 EXPENDITURES
	ing							

TOTAL.....

LB ⁽¹⁾ 352						FISCAL NOTE	
State Agency OR Politic	cal Subdivision Name: (2)	Nebraska State Patrol					
Prepared by: (3) Ca	ırol Aversman	Date	e Prepared: ⁽⁴⁾	01-23-2023	Phone: (5)	402-471-4545	
	ESTIMATE PROV	IDED BY	STATE AGEN	NCY OR POLITIC	CAL SUBDIVIS	ION	
	FY	2023-24			FY 2024	-25	
	EXPENDITURES		<u>REVENUE</u>	<u>EXPENDI</u>		REVENUE	
GENERAL FUNDS		<u> </u>					
CASH FUNDS							
FEDERAL FUNDS							
OTHER FUNDS							
TOTAL FUNDS		_					
Explanation of Estima	ate:						
No Fiscal Impact.							
No i iscai illipact.							
	BREAKDOV	VN BY M.	AJOR OBJECT	S OF EXPENDIT	<u>rure</u>		
Personal Services:	N	IIMRER (OF POSITIONS	S 2023-	.94	2024-25	
POSITION		<u>23-24</u>	<u>24-25</u>	EXPENDI		EXPENDITURES	
			<u>-</u>				
				_			
Benefits							
Operating							
Travel							
Capital outlay							
Aid							
Capital improvements	s						

LB ⁽¹⁾ 352				FISCAL NOTE			
State Agency OR Po	olitical Subdivision Name: (2)	05 Supreme Court					
Prepared by: (3)	Eric Asboe	Date Prepared: (4)		402-326-9215			
	ESTIMATE PROV	IDED BY STATE AGEN	NCY OR POLITICAL SUBDI	VISION			
	FY	2023-24	FY 20	024-25			
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE			
GENERAL FUND	See below		See below				
CASH FUNDS							
FEDERAL FUND	S						
OTHER FUNDS							
TOTAL FUNDS		<u> </u>					
Explanation of Es	timate:						

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.

Personal Services:				
	NUMBER OF	POSITIONS	2023-24	2024-25
POSITION TITLE	<u>23-24</u>	<u>24-25</u>	EXPENDITURES	EXPENDITURES
Benefits				
Operating				
Travel				