

PREPARED BY: Nikki Swope
 DATE PREPARED: January 16, 2020
 PHONE: 402-471-0042

LB 951

Revision: 00

FISCAL NOTE
LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)				
	FY 2020-21		FY 2021-22	
	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 951 revises the Nebraska Claims for Wrongful Conviction and Imprisonment Act. The act outlines the grounds which are required to file a claim for individuals who were imprisoned for a crime whose sentence was later overturned. The bill includes additional language for proving that a person was not guilty, as opposed to innocent, of a crime by either the 1) absence of one or more elements of such crime or 2) an affirmative defense to such crime.

The Department of Administrative Services (DAS) and the office of the Attorney General foresee a potential of additional claims and payments. State statute allows up to \$500,000 per claimant per occurrence.

As it is unknown how many individuals would be eligible to file a claim under the revised statute, the amount of these claims and payments cannot be determined.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE			
LB: 951	AM:	AGENCY/POLT. SUB: Department of Administrative Services (065)	
REVIEWED BY: Joe Wilcox	DATE: 1/22/2020	PHONE: (402) 471-4178	
COMMENTS: No basis to dispute the Department of Administrative Services (DAS) estimate of potential, but Indeterminate Fiscal impact to the Agency from LB 951.			

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE			
LB: 951	AM:	AGENCY/POLT. SUB: Nebraska Attorney General (011)	
REVIEWED BY: Joe Wilcox	DATE: 1/22/2020	PHONE: (402) 471-4178	
COMMENTS: No basis to dispute the Nebraska Attorney General estimate of potential, but Indeterminate Fiscal impact to the Agency from LB 951.			

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

2020

LB⁽¹⁾ 951

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ Dept. of Administrative Service (DAS) – Risk Management Division

Prepared by: ⁽³⁾ Allen D. Simpson Date Prepared: ⁽⁴⁾ 1/14/2020 Phone: ⁽⁵⁾ (402)471-4436

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2020-21</u>		<u>FY 2021-22</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	_____	_____	_____	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
REVOLVING FUNDS	_____	_____	_____	_____
TOTAL FUNDS	<u>See Below</u>	_____	<u>See Below</u>	_____

Explanation of Estimate:

LB 951 relates to the Nebraska Claims for Wrongful Conviction and Imprisonment and changes the law in that the claimant must prove that he or she was not guilty, as opposed to innocent. To prove that he or she was not guilty, the claimant must prove either the absence of one or more elements of such crime or crimes or an affirmative defense to such crime or crimes.

By changing the standard, the claimant must prove and how the claimant may prove it, it is foreseeable that there may be additional claims and payments. The amount of potential additional claims and payments is not foreseeable, but State statute allows recovery up to \$500,000 per claimant per occurrence.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2020-21 EXPENDITURES</u>	<u>2021-22 EXPENDITURES</u>
	<u>20-21</u>	<u>21-22</u>		
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____

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

2020

LB⁽¹⁾ 951 _____

FISCAL NOTE

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

Prepared by: ⁽³⁾ Ryan Post _____ Date Prepared: ⁽⁴⁾ 1-21-20 _____ Phone: ⁽⁵⁾ 402-471-2687 _____

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2020-21</u>		<u>FY 2021-22</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 951 would amend the Nebraska Claims for Wrongful Conviction and Imprisonment Act to remove the requirement that the claimant be innocent of the crime. The legislation would increase the number of suits filed each year against the State. Since such suits are currently limited to those innocent of the crime, the Attorney General is unable to project the number of future suits resulting from LB 951.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2020-21</u>	<u>2021-22</u>
	<u>20-21</u>	<u>21-22</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____