PREPARED BY: DATE PREPARED: PHONE: Liz Hruska January 24, 2021 402-471-0053 **LB 330**

Revision: 00

FISCAL NOTE

LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT - STATE AGENCIES (See narrative for political subdivision estimates)						
	FY 202	1-22	FY 2022-23			
	EXPENDITURES	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.

This bill raises the age of majority to twenty-one for juvenile court jurisdiction for any juvenile who committed an act other than a traffic offense which would constitute a misdemeanor, who committed an act which would constitute a felony or who committed an act which would constitute a traffic offense.

This bill would have a substantial cost to the Department of Health and Human Services under the Office of Juve nile Services. Under Standard 115.114 of the Prison Rape Elimination Act (PREA), "no youthful inmate may be placed in a housing unit where he/she will have contact with any adult inmate through use of a shared day room or other common space, shower area, or sleeping quarters. Outside of housing units, agencies must either maintain "sight and sound separation" between youthful inmates and adult inmates—i.e., prevent adult inmates from seeing or communicating with youth—or provide direct staff supervision when youthful inmates and adult inmates are together." If the Youth Rehabilitation and Treatment Centers (YRTC) were utilized, new buildings might be required or extensive renovation would be needed to accommodate the "sight and sound" separation for both males and females. Additionally there would need to be around the clock staffing plus the costs of food, clothing and medical services.

There would be savings in the Department of Corrections. Further study would be needed to determine the amount that may offset the higher costs to the Department of Health and Human Services and Probation.

The bill would shift some court cases and probation caseloads from county and district courts to juvenile court. The juvenile court cases may be more time-consuming, but an impact cannot be determined and would vary across jurisdictions. The Supreme Court would need to reprogram the JUSTICE case management system. The cost is estimated to be \$50,000.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE						
LB: 330 AM: AGENCY/POLT. SUB: Nebraska Supreme Court (05)						
REVIEWED BY: Joe Wilcox DATE: 01/26/2021 PHONE: (402) 471-4178						
COMMENTS: No basis to dispute the Nebraska Supreme Court estimate of one-time expense for updating the Judicial Branch Case Management System, and the potential fiscal impact to the Agency for increased Court cases and the need for judicial Education from LB 330.						

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE					
LB: 330	AM:	AGENCY/POLT. SUB: Nebraska Departme	ent of Health and Human Services (25)		
REVIEWED	BY: Joe Wilcox	DATE: 01/26/2021	PHONE: (402) 471-4178		
COMMENTS: No basis to dispute the Nebraska Department of Health and Human Services (DHHS) estimate of potential, but Indeterminate Fiscal Impact to the Agency from LB 330.					

TOTAL.....

$LB^{\scriptscriptstyle{(1)}}$	330						FISCAL NOTE	
State Agency OR Political Subdivision Name: (2)			Supi	Supreme Court				
Prepared by: (3) Eric Asboe		Da	ite Prepared: (4)	1/25/2021	Phone: (5)	402-326-9215		
		ESTIMATE PRO	<u>VIDED BY</u>	STATE AGEN	CY OR POLITICA	AL SUBDIVISIO	ON	
]	FY 2021-2	2		FY 2022	2-23	
		EXPENDITUR	RES	REVENUE	EXPEND		REVENUE	
GENE	RAL FUN	DS 50,000						
CASH	FUNDS							
FEDE	RAL FUNI	os						
ОТНЕ	R FUNDS							
ТОТА	L FUNDS	50,000						
Б. 1	CD		= =					
Explan	nation of E	stimate:						
and p	rocesses.	No additional resource		·	·			
Person	nal Service:		OWN BY 1	MAJOR OBJEC	<u> </u>	<u>TURE</u>		
		ION TITLE	NUMBEF 21-22	R OF POSITION 22-23	S 2021 <u>EXPEND</u>		2022-23 EXPENDITURES	
				<u> </u>	_			
Benefi	ts							
=	_				50,0	000		
-	-							
							-	
Capita	I improver	nents						

50,000

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION							
State Agency or Political Subdivision Name:(2) Department of Health and Human Services							
Prepared by: (3) Mike Michalski Date Prepared 1-25-2021 Phone: (5) 471-6719							
	FY 2021-	FY 2021-2022		2023			
<u>-</u>	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE			
GENERAL FUNDS	See Below		See Below				
CASH FUNDS							
FEDERAL FUNDS							
OTHER FUNDS							
OTAL FUNDS	See Below		See Below				
■ Determine the data are "find as 70 h							

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

Explanation of Estimate:

LB 330 would change provisions relating to arraignment of juveniles and authorize juvenile court jurisdiction to age twenty-one with consent of the juvenile and legal counsel.

This bill would require changes to practice, policy and regulations to allow the Youth Rehabilitation Treatment Centers (YRTC's) to accommodate keeping youth until the age of 21. This would cause significant issues to the physical plant of the facilities, as youth that have reached the age of majority should be sight and sound separate from other youth who are still minors. This legislation also has ramifications related to compliance with national PREA standards as the YRTC could be housing adults with a juvenile offender population. The YRTC American Correctional Association accreditation also requires that if youth and adults are housed in the same facility, that the units are separate and self-contained.

There would be a significant fiscal impact to the Department of Health and Human Services. The YRTC's would have to establish a separate building physically apart from the currently occupied buildings for both males and females to accommodate this new population, as the new population must be completely separate from the current population as indicated above. On all campuses, this would require a new building, as the current population is fully utilizing all the buildings All meals, recreation, schooling and other programing would have to take place within the designated building to avoid any intermingling. The new facilities would then have to be staffed 24 hours per day, seven days per week. Recent facility's that would meet DHHS's needs built by local governments have been approximately \$12 million dollars to construct.

There would also be additional child welfare costs as additional cases would be maintained that otherwise would have been closed. Those costs would include transitional costs, providing an array of services, housing, and case management. Depending upon the number of youth taking advantage of these provisions, additional staffing may be needed here as well.

Because it is not possible to predict how many youth would take advantage of these provisions, the fiscal impact cannot be estimated.

ERSONAL SERVICES:			
	NUMBER OF POSITIONS	2021-2022	2022-2023
POSITION TITLE	21-22 22-23	EXPENDITURES	EXPENDITURES

Operating		
Travel		_
Capital Outlay		_
Aid		_
Capital Improvements		
TOTAL	See Above	See Above