

**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 284 will adopt the Municipal Police Oversight Act and require city and county attorneys and the Attorney General to maintain public Brady and Giglio lists. The bill also looks to change and provide requirements for execution of no-knock search and arrest warrants. It will provide for exclusion of evidence, prohibit criminal justice agencies from collecting assembling, or preserving data relating to individuals' purported gang status.

On or before January 1, 2024 each city shall, by ordinance, create a citizen police oversight board. The ordinance shall specify the composition, jurisdiction, and powers of the oversight board. Each oversight board will be composed of seven members of the public who shall serve for terms of five years. Members will be appointed by city council and shall consist of individuals who represent a cross-section of the residents of the city.

The duties of the oversight board will be mandated and empowered by ordinance to:

1. Investigate and address grievances and complaints filed by members of the public against the police department of the city and any officers of such department. Investigate and address grievances and complaints relating to discrimination based on race, ethnicity, or gender and sexual harassment filed by employees of the police department of such city against any other officers or supervisory personnel of such department. Investigate all shootings involving police officers of such city.
2. Independently investigate all cases of alleged mistreatment or misconduct by the police department. Identify all instances of police misconduct by police officers and report findings and recommendations in those cases to the police department, mayor, city council of such city and all federal and state registries of police misconduct.
3. When appropriate provide the police department of such city and other law enforcement agencies with evidence in support of any criminal proceedings, disciplinary proceedings, or other management actions or measures. Provide the department with feedback from members of the public who have direct experience with police practices. They will also monitor, investigate, and evaluate policing standards, patterns and practices of the police department of such city.

Beginning June 1, 2024, each city attorney and county attorney and the Attorney General shall maintain a Brady and Giglio list. The list shall identify law enforcement officers who, due to misconduct or otherwise, have impaired their own credibility such that disclosure to the defendant is required under the Brady v. Maryland, 373 U.S. 83 (1963) and Giglio v. United States, 405 U. S. 150 (1972) and subsequent cases of the Supreme Court of the United States and the Supreme Court of Nebraska. List shall contain a description of the reason disclosure is required. This list will be a public document, city and county attorney and Attorney General will post list on their respective websites (city, county, Attorney General). The Nebraska Commission on Law Enforcement and Criminal Justice shall adopt and promulgate rules and regulations to carry out this section as well as criteria and processes for determining when disclosure is required and what is required to be disclosed.

LB 284 will require deletion of such records and notification of subjects of such records and provide a duty for the Nebraska Commission on Law Enforcement and Criminal Justice. In order to gain admission to training academy the bill will require a bachelor's degree. It will also require current Law Enforcement officers to obtain or begin obtaining a bachelor's degree by 2033. LB284 seeks to eliminate the offense of unlawful membership recruitment into an organization or association.

The bill amends section 29-411, to state that executing a warrant for the arrest of a person charged with an offense or search warrant, or when authorized to make an arrest for a felony without a warrant, the officer may break open any outer or inner door or window of a dwelling house or other building, if after notice of his or her office and purpose, the officer is refused admittance.

A no-knock warrant may be issued by a court when, the court finds by clear and convincing evidence that the warrant is for the arrest of a person for, or search for evidence of, a crime violence and as established by facts specific to the case, giving notice prior to entry will endanger the life or safety of any person or result in the loss or destruction of evidence relating to a crime of violence.

Each criminal justice agency shall institute a process<sup>5</sup> of data collection, entry, storage, and systematic audit of criminal<sup>6</sup> history record information that will minimize the possibility of<sup>7</sup> recording and storing inaccurate information. Any criminal justice agency<sup>8</sup> which finds that it has reported inaccurate information of a material<sup>9</sup> nature shall forthwith notify each criminal justice agency known to have<sup>10</sup> received such information. Each criminal justice agency shall maintain a listing of the individuals or agencies both in and outside of<sup>12</sup> the state to which criminal history record information was released.

A criminal justice agency will not collect, assemble, or preserve data relating to an individual's purported gang status,<sup>18</sup> affiliation, or membership. Any criminal justice agency which has collected or which maintains such data will delete such records and will notify:

1. Each criminal justice agency known to have received such information that it has deleted or destroyed such information; and
2. Each person in interest who is the subject of such a deleted record that such record has been deleted.

Expenditures:

The Nebraska State Patrol does not currently track personnel with or without a bachelor's degree, therefore the fiscal impact at this time would be unknown at this time.

The Supreme Court states that the case management system for the courts (JUSTICE) and the Probation case management system (NPACS) would need to be modified to implement sections 18-19 related to no-knock warrants and section 20 related to gang affiliation. The agency estimates that LB 284 would have an impact of \$35,000 in FY 24.

The Nebraska Department of Correctional Services (NDCS) estimates the programming costs with LB 284 would be as follows:

1. Remove STG screens, references to those screens and modifying the code used in CID - \$11,050
2. Recalibration of classification instrument - \$200,000
3. Changes to vendor database (Vant4age) including redaction/deletion of historical STG data - \$150,000

NDCS would hire temporary staff to review all current and former inmate files and redact the gang affiliation. The agency states that it would need one year to accomplish the removal of the inmate files both electronically and paper and the cost would be an estimated \$391,000.

There is no basis to disagree with this estimate.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
<b>LB: 284</b>	<b>AM:</b>	<b>AGENCY/POLT. SUB: Nebraska Attorney General (011)</b>
REVIEWED BY: Joe Wilcox	DATE: 01/18/2023	PHONE: (402) 471-4178
COMMENTS: Do not disagree with the Nebraska Attorney General estimate of No Fiscal Impact to the Agency from LB 284.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
<b>LB: 284</b>	<b>AM:</b>	<b>AGENCY/POLT. SUB: Nebraska Department of Correctional Services (046)</b>
REVIEWED BY: Joe Wilcox	DATE: 02/06/2023	PHONE: (402) 471-4178
COMMENTS: No basis to dispute the Nebraska Department of Correctional Services (NDCS) estimate of Potential one-time Fiscal Impact to the Agency from LB 284.		

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

**LB: 284**      **AM:**      AGENCY/POLT. SUB: **Nebraska Commission on Law Enforcement and Criminal Justice (078)**

REVIEWED BY: Joe Wilcox      DATE: 01/20/2023      PHONE: (402) 471-4178

COMMENTS: No disagreement with the Nebraska Commission on Law Enforcement and Criminal Justice (Crime Commission) estimate of No Fiscal Impact to the Agency from LB 284.

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

**LB: 284**      **AM:**      AGENCY/POLT. SUB: **Nebraska State Patrol (064)**

REVIEWED BY: Joe Wilcox      DATE: 01/25/2023      PHONE: (402) 471-4178

COMMENTS: No basis to dispute the Nebraska State Patrol estimate of Potential, but Indeterminate Fiscal Impact to the Agency from LB 284.

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

**LB: 284**      **AM:**      AGENCY/POLT. SUB: **Nebraska Supreme Court (005)**

REVIEWED BY: Joe Wilcox      DATE: 02/06/2023      PHONE: (402) 471-4178

COMMENTS: No disagreement with the Nebraska Supreme Court estimate of Potential Fiscal Impact to the Agency from LB 284.

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

**2023**

**LB<sup>(1)</sup> 284**

**FISCAL NOTE**

State Agency OR Political Subdivision Name: <sup>(2)</sup> Attorney General

Prepared by: <sup>(3)</sup> Mike Guinan Date Prepared: <sup>(4)</sup> 1-17-23 Phone: <sup>(5)</sup> 402-471-2687

**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> 284**

**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> 01/17/2023 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	\$752,050			
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
<b>TOTAL FUNDS</b>	<u>\$752,050</u>			

**Explanation of Estimate:**

LB284 prohibits criminal justice agencies from collecting, assembling, or preserving data relating to individuals' purported gang status; requires deletion of such records; requires notification to each criminal justice agency known to have received such information that it has deleted such information; and requires notification to the subjects of such deleted record that such record has been deleted.

NDCS estimates programming costs associated with these requirements as follows:

- \$ 11,050 Remove STG screens, references to those screens and modifying code used in CID
- \$200,000 Recalibration of classification instrument
- \$150,000 Changes to vendor database (Vant4age) including redaction/deletion of historical STG data

NDCS would use the services of temporary staff to review all current and former inmate files (both electronic and paper) and redact reference to gang affiliation. They would also make good faith effort to make the required notifications. It is estimated that ten temporary Corrections Records Officers would be needed for one year to accomplish this at a cost of approximately \$391,000.

**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.....			\$752,050	
Travel.....				
Capital outlay.....				
Aid.....				
Capital improvements.....				
<b>TOTAL.....</b>			<u>\$752,050</u>	

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

2023

LB<sup>(1)</sup> 284

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> 1/19/23 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	_____	_____	_____	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
TOTAL FUNDS	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>

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> 284**

**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> 01-20-2023 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	_____	_____	_____	_____
<b>TOTAL FUNDS</b>	<b>=====</b>	<b>=====</b>	<b>=====</b>	<b>=====</b>

**Explanation of Estimate:**

LB 284 establishes the Municipal Police Oversight Act. This Act requires all law enforcement officers to either (a) hold a bachelor's degree or higher degree from an accredited college or university, or (b) enroll in an accredited college or university and obtain a bachelor's degree or higher degree by September 1, 2037, in order to maintain certification as a law enforcement officer. Note, the State Patrol does not currently track personnel with or without a bachelor's degree. Therefore, the fiscal impact is indeterminable at this time. However, this new requirement will be at some cost to the Agency, as this is not currently a requirement for employment at the State Patrol.

**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.....	_____	_____	_____	_____
<b>TOTAL.....</b>	<b>_____</b>	<b>_____</b>	<b>_____</b>	<b>_____</b>



