

FISCAL NOTE
LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)				
	FY 2025-26		FY 2026-27	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	See Below		See Below	
CASH FUNDS		See Below		See Below
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	See Below	See Below	See Below	See Below

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

LB215 adopts the Clean Slate Act, which allows individuals with certain nonviolent convictions to have their records sealed after completing a period of rehabilitation without reoffending and removes barriers to employment, housing, and education for rehabilitated individuals while providing an incentive to stay crime-free. The act also aims to reduce recidivism, ultimately saving the state money, while ensuring law enforcement and other necessary agencies retain access to criminal history when needed.

Additionally, the bill establishes the Second Chance Relief Program for Long-Term Inmates, creating a structured process for parole review, mentorship, and reintegration programs. This program allows eligible long-term and life-sentenced inmates to seek sentence commutations if they demonstrate rehabilitation, balancing second-chance opportunities with public safety considerations.

Several Nebraska state agencies play key roles in implementing and overseeing these provisions. The Department of Correctional Services identifies eligible individuals, provides rehabilitation programs, and coordinates reentry plans. The Board of Parole evaluates rehabilitation progress, recommends second-chance relief, and oversees parole supervision. The Division of Parole Supervision develops post-release plans and ensures parolees remain accountable. The Board of Pardons reviews commutation requests and establishes reconsideration criteria. The Supreme Court manages the record-sealing process, and issues clean slate orders and reviews petitions. Finally, the Nebraska Commission on Law Enforcement and Criminal Justice processes record-sealing notifications and oversees implementation.

The Nebraska Supreme Court has stated that implementing the Clean Slate Act (Sections 1-10 of LB215) will require significant resources, with a preliminary cost estimate of \$2 million in General Funds. The State Court Administrator must develop a system to determine eligibility, establish notification processes for courts and agencies like the Nebraska State Patrol, and make major modifications to the JUSTICE case management system, requiring additional personnel in the Administrative Office of the Courts and Probation (AOCP). The estimated timeline for full implementation is two years, and the financial impact remains indeterminate. While LB215 allows for a filing fee of up to \$40 to offset administrative costs, the number of petitions that will be filed is unknown, and the bill does not specify where these fees would be deposited.

The Nebraska Board of Parole states that LB215 adds responsibilities related to assessments and programs for commutation and subsequent parole. This increased workload will require an additional staff member to meet assessment demands, but the projected costs are currently unknown.

The Nebraska Department of Correctional Services estimates that 141 incarcerated individuals currently meet the eligibility criteria for second chance relief under Section 11 of LB215. The FY24 per diem cost for each incarcerated individual was \$35.45, totaling \$12,937.94 per year per person.

The Crime Commission states that existing data collection platforms will require additional maintenance and integration due to legal, confidentiality, and sensitivity concerns related to sealed records. To meet these requirements, an external third-party contractor would be needed for ongoing support, with an estimated \$150,000 General Fund impact per fiscal year.

The Nebraska State Patrol states that implementing and administering the requirements of LB215 will require 17 full-time positions in the Criminal Identification Division (CID) and 2 full-time IT positions to meet technical needs. The CID processed 80,995 background checks in 2024 (42,353 fingerprint-based and 38,642 name-based) with 53 front-line and supervisory staff, along with 45,438 criminal cards. In previous years, the number of background checks ranged from 85,989 in 2023 to 120,289 in 2021, with additional processing for criminal cards.

The Clean Slate Act will add to this workload, with an estimated 75%-80% increase in processing volume. While the 17 additional positions reflect a 32% staffing increase, the Division expects some automation to improve efficiency. The fiscal note includes personnel costs beginning on 9/1/25, with 83% of the estimated annual salary and benefits for FY 2025-26. Operating costs, including office supplies and OCIO expenses, and capital outlay for computers, cubicles, and chairs, are also included. The agency estimates a General Fund impact of \$1,029,796 in FY 25-26 and \$1,178,930 in FY 26-27.

There is no basis to disagree with these estimates at this time.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE			
LB: 215	AM:	AGENCY/POLT. SUB: Supreme Court	
REVIEWED BY:	Jacob Leaver	DATE: 2/24/2025	PHONE: (402) 471-4173
COMMENTS: Concur with the Supreme Court's preliminary estimated fiscal impact as a result of LB 215.			

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE			
LB: 215	AM:	AGENCY/POLT. SUB: State Patrol	
REVIEWED BY:	Jacob Leaver	DATE: 1/29/2025	PHONE: (402) 471-4173
COMMENTS: Concur with the Nebraska State Patrol's estimated fiscal impact as a result of LB 215.			

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE			
LB: 215	AM:	AGENCY/POLT. SUB: Crime Commission	
REVIEWED BY:	Jacob Leaver	DATE: 1/22/2025	PHONE: (402) 471-4173
COMMENTS: Concur with the Crime Commission's estimated fiscal impact as a result of LB 215.			

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE			
LB: 215	AM:	AGENCY/POLT. SUB: Department of Corrections	
REVIEWED BY:	Jacob Leaver	DATE: 1/21/2025	PHONE: (402) 471-4173
COMMENTS: Concur with the Department of Corrections' estimate of indeterminable fiscal impact as a result of LB 215.			

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE			
LB: 215	AM:	AGENCY/POLT. SUB: Board of Parole	
REVIEWED BY:	Jacob Leaver	DATE: 1/17/2025	PHONE: (402) 471-4173
COMMENTS: No basis to dispute the Board of Parole's indeterminable fiscal impact as a result of LB 215.			

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2025

LB⁽¹⁾ 215

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ Nebraska Board of Parole

Prepared by: ⁽³⁾ Rosalyn Cotton, Date Prepared: ⁽⁴⁾ January 16, 2025 Phone: ⁽⁵⁾ 402 479-5731
Chairperson

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2025-26</u>		<u>FY 2026-27</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 215 - This bill adds duties to the Board of Parole regarding assessments and other programs for commutation and subsequent parole programs. This increased workload will require one additional staff to meet the demands of individuals being assessed for commutation, however, the additional costs are not able to be projected at this time.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2025-26</u>	<u>2026-27</u>
	<u>25-26</u>	<u>26-27</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.

2025

LB⁽¹⁾ 215

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ Nebraska Department of Correctional Services

Prepared by: ⁽³⁾ Lisa Stanton Date Prepared: ⁽⁴⁾ 01/15/2025 Phone: ⁽⁵⁾ (402)479-5702

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2025-26</u>		<u>FY 2026-27</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:

LB215 adopts the Clean Slate Act and provides for a second chance relief program to obtain a commutation from the Board of Pardons. The bill could reduce the number of persons in prison. The specific amount of impact is indeterminable.

The Nebraska Department of Correctional Services estimates there are currently 141 incarcerated individuals that meet the eligibility criteria for second chance relief as outlined in section 11 of the bill.

The FY24 per diem cost was \$35.45 for each incarcerated individual, or \$12,937.94 per year.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2025-26</u>	<u>2026-27</u>
	<u>25-26</u>	<u>26-27</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.

2025

LB⁽¹⁾ 215

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ Nebraska State Patrol

Prepared by: ⁽³⁾ Carol Aversman Date Prepared: ⁽⁴⁾ 01/21/2025 Phone: ⁽⁵⁾ 402-471-4545

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2025-26</u>		<u>FY 2026-27</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	<u>\$1,029,796</u>	<u> </u>	<u>\$1,178,390</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>\$1,029,796</u>	<u> </u>	<u>\$1,178,390</u>	<u> </u>

Explanation of Estimate:

LB 215 provides for the adoption of the Clean Slate Act. Under the act, individuals convicted of certain crimes may qualify for relief if certain requirements are met. This relief would entail that a criminal justice agency respond to a public inquiry in the same manner as if there were no criminal history record information and criminal history information shall not be disseminated to any person other than a criminal justice agency. In issuing an order for clean slate relief, the court shall send notice to the (1) Nebraska Commission on Law Enforcement, (2) Nebraska State Patrol, and (3) law enforcement agencies, county attorneys, and city attorneys referenced in the court records. Beginning January 1, 2026, individuals will automatically be eligible for clean slate relief under Section 8 of the Act for a qualified offense that is a misdemeanor if the qualified offense is committed on or after January 1, 2021, and other conditions noted in the Act are met.

In order to implement and administer the requirements of the bill, the Criminal Identification Division of the State Patrol estimates that a total of 17 full time CID positions would be required. Additionally, it is estimated that 2 full time IT positions will be necessary to meet technical needs and requirements. Note that in calendar year 2024, the Division processed 80,995 total checks (42,353 fingerprint based and 38,642 name based) which required a total of 53 front-line and supervisory staff. It also processed 45,438 criminal cards in 2024. In 2023 and 2022, a total of 85,989 and 88,227 total background checks were processed, respectively. Additionally, 46,471 and 41,831 criminal cards were processed in 2023 and 2022, respectively. In calendar year 2021 a total of 120,289 background checks and 40,436 criminal cards were processed. These are additional records that would require review and processing as a result of the Clean Slate Act by the Division. At this level of volume, an approximate increase in workload of 75%-80% would occur for this area. The 17 FTEs included in this fiscal note reflects approximately a 32% increase in staffing for this area. This is less than the projected increase in workload because the Division believes that certain areas can be automated, resulting in greater efficiencies. The fiscal note reflects the personnel costs beginning on 9/1/25, and accordingly, the salaries and benefit costs have been reflected at approximately 83% of the annual rate estimated for Fiscal Year 2025-26. Operating expenses consist of office supplies and OCIO costs. These are also reflected as commencing on 9/1/25. The capital outlay costs include equipment necessary to outfit these employees (computers, office cubicles, and chairs).

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2025-26</u>	<u>2026-27</u>
	<u>25-26</u>	<u>26-27</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
Administrative Technicians	<u>14</u>	<u>14</u>	<u>\$435,607</u>	<u>\$540,573</u>
Program Manager	<u>1</u>	<u>1</u>	<u>\$47,138</u>	<u>\$58,497</u>
Records Analysis Supervisor	<u>1</u>	<u>1</u>	<u>\$42,789</u>	<u>\$53,099</u>
IT Business System Analyst	<u>1</u>	<u>1</u>	<u>\$45,673</u>	<u>\$56,678</u>
IT Applications Developer	<u>1</u>	<u>1</u>	<u>\$51,038</u>	<u>\$63,336</u>
CID Research Manager	<u>1</u>	<u>1</u>	<u>\$49,446</u>	<u>\$61,361</u>

Benefits.....	<u>\$235,092</u>	<u>\$291,740</u>
Operational.....	<u>\$42,663</u>	<u>\$53,106</u>
Capital outlay.....	<u>\$80,350</u>	
Aid.....		
Capital improvements.....		
TOTAL	<u>\$1,029,796</u>	<u>\$1,178,390</u>

