

PREPARED BY: Kenneth Boggs
DATE PREPARED: March 24, 2025
PHONE: 471-0050

LB 395

Revision: 00

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	\$127,836		\$121,143	
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	\$127,836		\$121,143	

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

LB395 imposes stricter limitations on firearm possession by certain juveniles, including those with sealed felony or domestic violence adjudications, until they reach age 25 or receive a court-issued exemption. It further specifies that law enforcement may review sealed records whenever an individual under 25 applies for a concealed-carry permit or handgun-purchase certificate, ensuring no loopholes exist for acquiring firearms. Consequently, agencies involved in juvenile record management or firearm oversight—such as law enforcement, juvenile courts, and applicable state departments—must implement updated procedures for notifying juveniles, sealing records, and verifying firearm prohibitions.

The Supreme Court has stated that LB 395 will have a minimal fiscal impact and will not require any additional resources.

The Nebraska State Patrol estimates it will need two additional FTE (an Administrative Technician and a Crime Analyst) to research, review, and report the sealed records required under LB395, given that no current mechanism exists to submit prohibiting juvenile information to the FBI's Interstate Identification Index (III) or the NICS Indices. This process would require changes to Nebraska Revised Statute 43-252 to allow fingerprints to be transmitted to the III and a separate system to address non-fingerprinted offenses. Additional operating expenses—supplies, OCIO costs, and computer leases—are projected at \$5,352 for FY 2026 and \$5,532 for FY 2027, with one-time capital outlays of \$10,240 in FY 2026 for computer hardware and office furniture.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE			
LB: 395	AM:	AGENCY/POLT. SUB: Supreme Court	
REVIEWED BY:	Jacob Leaver	DATE: 3/25/2025	PHONE: (402) 471-4173
COMMENTS: Concur with the Supreme Court's estimate of minimal fiscal impact as a result of LB 395.			

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE			
LB: 395	AM:	AGENCY/POLT. SUB: State Patrol	
REVIEWED BY:	Jacob Leaver	DATE: 2/21/2025	PHONE: (402) 471-4173
COMMENTS: Concur with the State Patrol's estimated fiscal impact as a result of LB 395.			

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2025

LB⁽¹⁾ 395

FISCAL NOTE

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

Prepared by: ⁽³⁾ Carol Aversman Date Prepared: ⁽⁴⁾ 02/14/2025 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>\$127,836</u>	<u></u>	<u>\$121,143</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>\$127,836</u>	<u></u>	<u>\$121,143</u>	<u></u>

Explanation of Estimate:

LB 395, Section 2 (3) (h) (i) allows for a sealed record to be accessible to law enforcement to determine if a person under the age of 25 years has been previously adjudicated for an act which would constitute a felony or a misdemeanor crime of domestic violence as defined in subsection (6) of section 28-1204.05 when such person applies for a permit under the Concealed Handgun Permit Act or a certificate to purchase, lease, rent, or transfer a handgun under section 69-2401, et seq.

Section 28-1204.05 states that a person under the age of 25 years who knowingly possesses a firearm commits the offense of possession of a firearm by a prohibited juvenile offender if he or she has previously been adjudicated an offender in juvenile court for an act which would constitute a felony or an act which would constitute a misdemeanor crime of domestic violence. This includes an offense for which a juvenile record has been sealed upon termination of probation.

The State Patrol estimates that in order to research, review, and appropriately report the sealed records described in Section 2 (3) (h) (i) of the bill for firearm disqualification purposes, it will need an additional 2 full time employees (an Administrative Technician and a Crime Analyst). There are currently no mechanisms in place to report prohibiting juvenile records to either the FBI's Interstate Identification Index (III) or the NICS Indices for nationwide availability during firearm background checks. Nationwide availability is crucial because the FBI conducts Nebraska's long gun background checks.

The mechanism to retrieve juvenile adjudications from the Administrative Office of the Courts would need to be established for fingerprinted juvenile offenses to appear on the criminal history record or III. It's important to note Nebraska Rev. Stat. 43-252 would need to be amended to allow the Nebraska State Patrol to send juvenile fingerprints to the III. Furthermore, for juvenile offenses that weren't fingerprinted, a mechanism to report the prohibiting information to the NICS Indices would need to be developed and implemented.

Additional costs include operational expenses (OCIO costs, supplies, and computer leases) totaling \$5,352 in FY 26 and \$5,532 in FY 27. Capital outlays include the one-time costs of purchasing computer monitors, document scanners and office furniture/cubicles for the new employees. These total \$10,240 in FY 26.

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 Technician (CID)	1	1	\$37,488	\$38,612
State Patrol Crime Analyst (CID)	1	1	\$45,378	\$46,740
Benefits.....			\$29,378	\$30,259
Operating.....			\$5,352	\$5,532
Travel.....				
Capital outlay.....			\$10,240	
Aid.....				
Capital improvements.....				
TOTAL.....			\$127,836	\$121,143

State Agency OR Political Subdivision Name: ⁽²⁾ 05 Supreme Court

Prepared by: ⁽³⁾ Eric Asboe

Date Prepared: ⁽⁴⁾ 3/21/2025

Phone: ⁽⁵⁾ 402-326-9215

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	FY 2025-26		FY 2026-27	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS				
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS				

Explanation of Estimate:

Minimal fiscal impact to provide judicial and staff education. No additional resources required.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:				
POSITION TITLE	NUMBER OF POSITIONS		2025-26	2026-27
	25-26	26-27	EXPENDITURES	EXPENDITURES
Benefits.....				
Operating.....				
Travel.....				
Capital outlay.....				
Aid.....				
Capital improvements.....				
TOTAL.....				