

FISCAL NOTE

LEGISLATIVE FISCAL ANALYST ESTIMATE

Updated for amendments adopted on March 1, 2016.

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)				
	FY 2016-17		FY 2017-18	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	191,200		249,950	
CASH FUNDS	10,000		10,000	
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	201,200		259,950	

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

This bill, as amended, would change provisions relating to problem solving courts.

The following is the understanding of the fiscal analyst regarding the intent of this bill: The bill does not mandate that the Supreme Court create any problem solving courts. The intent of this bill is to create a veterans' treatment court, similar to LB915, 2016. Any other type of problem solving court noted in the bill would need to be funded through the budget process.

The Supreme Court estimated the costs to create a veterans' treatment court pilot project in a revised fiscal note to LB915 as follows:

LB915 states intent language regarding creation of a veteran's treatment court pilot project. Assuming this problem-solving court is created, the estimated General Fund impact is \$313,750 for FY16-17 and \$312,200 for FY17-18. See additional detail in the narrative and figures below.

1. Existing judicial resources would be used
2. Average caseload per FY: 30
3. Probation officers (1.5 FTE) would be hired for supervision of participants
4. Operating expenses for FY16-17 includes:
 - a. 10,000 computer programming to monitor data from this court
 - b. 50,000 evaluation of the project by an independent entity
 - c. 7,500 court participant evaluations and assessments
 - d. 61,500 substance abuse & mental health treatment. Estimate represents State portion only or 25% of the total cost of treatment. It is assumed Federal Veteran's Administration will fund the remaining 75%.
 - e. 42,000 probation supervision tools such as drug testing and alcohol monitoring. It is assumed not all participants will require such supervision.
 - f. 3,550 miscellaneous expenses, such as safety equipment for probation officers
5. Travel for FY16-17 includes expenses related to training and participant supervision

Note: The estimated fiscal impact is for a pilot project only. Full implementation of a veteran's treatment court would require additional funding, including additional staff and possibly judicial resources.

The following table adjusts the above-noted impact to the Supreme Court as follows:

ITEMS	FY17	FY18	FY19	FY17	FY18	FY19
	Number of Positions			Expenditures		
Probation Officer	1.50	1.50	1.50	60,953	81,270	81,270
Benefits				35,198	46,930	46,930
Computer programming to monitor data from the veteran's court				10,000	10,000	10,000
Evaluation of the project by an independent entity				0	0	50,000
Court participant evaluations and assessments				5,625	7,500	7,500
Substance abuse & mental health treatment				46,125	61,500	61,500
Supervision tools such as drug testing and alcohol monitoring				31,500	42,000	42,000
Miscellaneous expenses (safety equipment)				3,550	2,250	2,250
Travel				8,250	8,500	8,500
TOTAL	1.50	1.50	1.50	201,200	259,950	309,950
By Fund Source:						
GENERAL FUNDS				191,200	249,950	249,950
CASH FUNDS				10,000	10,000	60,000
TOTAL FUNDS				201,200	259,950	309,950

Adjustments:

- FY17 has been adjusted to 75% of the Supreme Court's estimated costs for most items. This adjustment reflects the effective date of the bill (three calendar months after Sine Die) and also that historically programs do not ramp-up immediately.
- Any salary increases past FY17 will be funded during the next biennial budget process.
- The Supreme Court's fiscal note response includes this item: \$10,000 for computer programming to monitor data from this court. This fiscal note assumes that the Court can use the Supreme Court Automation Cash Fund to pay for this item.
- The Supreme Court included funding for 3 years of Program Evaluation and this fiscal note only includes funding for the last year of the pilot project. Additionally, this fiscal note assumes that the evaluation can be paid for from the Community Corrections Uniform Data Analysis Cash Fund as this cash fund has been used previously for evaluations.
- This fiscal note assumes FY19 costs would be the same as FY18.

The Supreme Court made the following comments regarding the introduced copy of LB919:

If additional problem-solving courts are established the estimated General Fund fiscal impact of one new problem-solving court could be \$1.2 million - \$1.5 million. The impact is dependent on the type of court, number of staff and programming provided. This estimate also includes additional judicial resources.

If additional problem-solving court programs, such as medication-assisted treatment, are established General Fund expenditures would also increase. At this time, further information is needed before the fiscal impact of such programs can be determined.

This bill could reduce the state prison inmate population because it creates another problem solving court. Problem solving courts can divert persons from prison, thus reducing the prison population. Problem Solving court types include adult, juvenile, and family drug courts, young adult court, and DUI court.

As of December 2015, the state inmate prison population was 157% of design capacity. In December 2014, the inmate prison population was 159% of design capacity. Additionally, the Department of Correctional Services (DCS) contracts with some counties to temporarily house prison inmates. If those inmates are included in the state prison population numbers, then the December 2015 inmate prison population would be 162% of design capacity.

The Department of Correctional Services (DCS) estimates the average cost per offender (All facilities including Parole) at \$28,182 per year. This is the cost of the facilities plus staff. For every inmate, DCS incurs per diem costs. This is the cost for food, medical care, inmate wages, clothing, cleaning supplies, food service supplies, cell and dorm supplies, other supplies, laundry, inmate property, miscellaneous contractual services, and transportation. The FY15 per diem cost for an individual inmate was \$8,712 per year.