

FISCAL NOTE

LEGISLATIVE FISCAL ANALYST ESTIMATE

Updated for amendments adopted through April 25, 2017.

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)				
	FY 2017-18		FY 2018-19	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS				
CASH FUNDS	10,000		130,000	
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	10,000		130,000	

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

This bill would to change provisions relating to conditions of and ability to post bail, debt collection procedures, pretrial release, competency in criminal defendants, and financial ability to pay fines or costs or a traffic citation; to provide for hearings, community service, and discharge as prescribed; to change provisions relating to procedures for suspending an operator's license. Certain provisions of this act become operative on July 1, 2019, and the remainder of the act becomes operative on its effective date.

The Supreme Court estimates the following Cash Fund impact:

FY17-18: \$10,000 Cash Funds. JUSTICE modifications for those portions of LB259 related to bail and debt collection.

FY18-19: \$130,000 Cash Funds. JUSTICE modifications and judicial education in preparation for implementation of the provisions related to determinations of ability to pay.

The following table shows the estimated General Fund impact of this bill in the next biennium based on the July 1, 2019, operative date:

Item	FY20	FY21
Record Clerks	365,352	371,472
County Court Judges and Courtroom Clerks	519,200	512,437
Total	884,552	883,909

Adding more judges and associated staff has historically required a separate bill.

The Department of Administrative Services (DAS) – State Accounting estimates no fiscal impact from this bill.

The Department of Motor Vehicles estimates no fiscal impact from this bill.

Lancaster County Community Corrections estimates additional costs of \$60,068 in FY18 and \$61,964 in FY19. This increase is for staff time associated with the increased use of Community Service in lieu of fines. See their response attached for additional details.

Lancaster County Department of Corrections estimates no fiscal impact from this bill.

Douglas County Department of Correction estimates an impact of \$466,049 in FY18. See their response attached for additional details. Based on both of Lancaster County's responses, this estimate appears high.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSES		
LB: 259	AM: 1106	AGENCY/POLT. SUB: Nebraska Supreme Court (05)
REVIEWED BY: Joe Wilcox	DATE: 4/25/2017	PHONE: (402) 471-4178
COMMENTS: No Basis to dispute the Nebraska Supreme Court estimate of potential changes to the fiscal impact to the agency from AM 1106 to LB 259.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSES		
LB: 259	AM: 933	AGENCY/POLT. SUB: Nebraska Department of Administrative Services (65)
REVIEWED BY: Joe Wilcox	DATE: 4/19/2017	PHONE: (402) 471-4178
COMMENTS: No basis to dispute the Department of Administrative Services estimate of potential, yet indeterminate Fiscal Impact to the Agency from the Judiciary Committee Amendment - AM 933, to LB 259.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSES		
LB: 259	AM: 1082	AGENCY/POLT. SUB: Nebraska Department of Administrative Services (65)
REVIEWED BY: Joe Wilcox	DATE: 4/20/2017	PHONE: (402) 471-4178
COMMENTS: No basis to dispute the Department of Administrative Services estimate of potential, yet indeterminate Fiscal Impact to the Agency from the AM 1082 to LB 259.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSES		
LB: 259	AM: 1082	AGENCY/POLT. SUB: Nebraska Department of Motor Vehicles (24)
REVIEWED BY: Joe Wilcox	DATE: 4/20/2017	PHONE: (402) 471-4178
COMMENTS: No basis to dispute the Department of Motor Vehicles estimate of No Fiscal Impact to the Agency from AM 1082 to LB 259.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSES		
LB: 259	AM: 1106	AGENCY/POLT. SUB: Lancaster County Department of Corrections
REVIEWED BY: Joe Wilcox	DATE: 4/21/2017	PHONE: (402) 471-4178
COMMENTS: The Lancaster County Department of fiscal note on AM 1106 to LB 259, estimates No Fiscal Impact to the Department from AM 1106. In fact, AM 1106 shifts the operative effective date of most of the provisions of the bill from July 1, 2018 to July 1, 2019. This would move the potential fiscal impact out from FY 2018-19 to FY 2019-20.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSES		
LB: 259 Revised AM: 933	AGENCY/POLT. SUB: Lancaster County Department of Community Corrections	
REVIEWED BY: Joe Wilcox	DATE: 4/21/2017	PHONE: (402) 471-4178
COMMENTS: The Lancaster County Department of Community Corrections revised fiscal note on AM 933 to LB 259, estimates an additional 10% of staff time will be required to provide the increased pre-trial supervision required by the Amendment. No basis to dispute the County estimate for increased operating costs such as printing and supplies, however, the fiscal note indicates an increase in staff time of 10%, but unless the increased staff time results in paid overtime or additional FTE's, the County estimate related to staffing may not actually translate to increased cost, just a re-distribution of time among current staff.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSES		
LB: 259	AM: 933	AGENCY/POLT. SUB: Douglas County
REVIEWED BY: Joe Wilcox	DATE: 4/21/2017	PHONE: (402) 471-4178
COMMENTS: The Judiciary Committee Amendment - AM 933, to LB 259, incorporates provisions of LB 145, LB 395, and LB 526. The Douglas County Fiscal Note on AM 933 to LB 259 reflects the County's estimate of potential fiscal impact from LB 395 and an Indeterminate fiscal impact from the rest of the amended bill. No basis to dispute the County estimate of potential fiscal impact from AM 933 to LB 259.		

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

2017

LB⁽¹⁾ 259, AM1106

FISCAL NOTE

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

Prepared by: ⁽³⁾ Eric Asboe Date Prepared: ⁽⁴⁾ 4/22/17 Phone: ⁽⁵⁾ 1-4138

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2017-18</u>		<u>FY 2018-19</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	_____	_____	See Below	_____
CASH FUNDS	10,000	_____	130,000	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
TOTAL FUNDS	<u>10,000</u>	_____	<u>130,000</u>	_____

Explanation of Estimate:

LB259, as amended by AM933, AM1082 and AM1106, increases Cash Fund expenditures during the 2017-2019 biennium and General Fund expenditures during the 2019-2021 biennium. No additional revenue is anticipated to offset the increase in Cash Fund expenditures. See Supreme Court fiscal note dated 4/13/17 for details.

FY17-18

\$10,000 Cash Funds. JUSTICE modifications for those portions of LB259 related to bail and debt collection.

FY18-19

\$130,000 Cash Funds. JUSTICE modifications and judicial education in preparation for implementation of the provisions related to determinations of ability to pay

FY19-20

\$884,552 General Funds. As stated in the fiscal note for LB259 as amended by AM933, a minimum of 2 additional judges and 8 additional court staff are estimated to be required as a result increased hearings and associated court activity.

FY20-21

\$883,909 General Funds. On-going cost of additional judges and court staff.

Additional financial resources may become necessary in future fiscal years if the number of hearings and activity related to determining ability to pay, bond supervision and community service are greater than currently estimated.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2017-18 EXPENDITURES</u>	<u>2018-19 EXPENDITURES</u>
	<u>17-18</u>	<u>18-19</u>		
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____

Capital improvements.....

TOTAL.....

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

2017

LB⁽¹⁾ 259 AM933

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾

Dept. of Administrative Services – State Accounting, State Building Divisions and Transportation Services Bureau (TSB) and Office of the Chief Information Officer (OCIO)

Prepared by: ⁽³⁾ Bo Botelho

Date Prepared: ⁽⁴⁾ April 13, 2017

Phone: ⁽⁵⁾ 402-471-0972

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	FY 2017-18		FY 2018-19	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	_____	_____	_____	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
REVOLVING FUNDS	See Below	_____	See below	_____
TOTAL FUNDS	=====	=====	=====	=====

Explanation of Estimate:

LB259 AM933, adds to LB259, several bills advanced from the Judiciary Committee, and includes requiring a hearing to ascertain an individual’s ability to pay fines levied due to an infraction, and provides an alternative penalty of community services. The Supreme Court’s fiscal note reflects the need for additional judges and corresponding staff.

This need for additional staff could potentially influence the appropriation required by TSB to purchase vehicles, SBD’s request for appropriation to secure additional rental space and the OCIO’s appropriation request for IT equipment, network connectivity and equipment maintenance and support. TSB, SBD and the OCIO will require additional revolving fund appropriation consistent with the needs of the Supreme Court, should the Court add staff.

LB259 AM933 also includes a proposal to change provisions relating to debtor’s rights, garnishment, attachment, and other debt collection procedures.

Sec. 25-1558: This legislation would require DAS – State Accounting’s Payroll Department Wage Attachment personnel to review amended and updated procedures for calculating disposable earnings of an individual subject to garnishment.

Sec. 25-1577: Wage Attachment personnel currently receive, review, and honor the terms of court garnishment orders, but would need to increase their awareness of the situations wherein penalties involved with disobeying an order could be rendered.

State Accounting’s Wage Attachment personnel would need to increase their training and knowledge on any new legislation so as to be in compliance with its provisions. This training would take place within the normal course of business.

Therefore, there would be no fiscal impact to DAS – State Accounting in relation to this portion of the legislation.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2017-18</u>	<u>2018-19</u>
	<u>17-18</u>	<u>18-19</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.

2017

LB⁽¹⁾ 259 AM1082

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾

Dept. of Administrative Services – State Accounting, State Building Divisions and Transportation Services Bureau (TSB) and Office of the Chief Information Officer (OCIO)

Prepared by: ⁽³⁾ Bo Botelho

Date Prepared: ⁽⁴⁾ April 19, 2017

Phone: ⁽⁵⁾ 402-471-0972

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	FY 2017-18		FY 2018-19	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	_____	_____	_____	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
REVOLVING FUNDS	See Below	_____	See below	_____
TOTAL FUNDS	=====	=====	=====	=====

Explanation of Estimate:

LB259 AM1082 strikes language pertaining court appointed counsel to represent an indigent defendant or indigent judgment debtor as well as modifies language allowing a released defendant pending judgment to be supervised by a person, organization or a pretrial services program approved by the county court. The bill and amendments include requiring a hearing to ascertain an individual’s ability to pay fines levied due to an infraction, and provides an alternative penalty of community services. The Supreme Court’s fiscal note reflects the need for additional judges and corresponding staff.

This need for additional staff could potentially influence the appropriation required by TSB to purchase vehicles, SBD’s request for appropriation to secure additional rental space and the OCIO’s appropriation request for IT equipment, network connectivity and equipment maintenance and support. TSB, SBD and the OCIO will require additional revolving fund appropriation consistent with the needs of the Supreme Court, should the Court add staff.

LB259 also includes a proposal to change provisions relating to debtor’s rights, garnishment, attachment, and other debt collection procedures.

Sec. 25-1558: This legislation would require DAS – State Accounting’s Payroll Department Wage Attachment personnel to review amended and updated procedures for calculating disposable earnings of an individual subject to garnishment.

Sec. 25-1577: Wage Attachment personnel currently receive, review, and honor the terms of court garnishment orders, but would need to increase their awareness of the situations wherein penalties involved with disobeying an order could be rendered.

State Accounting’s Wage Attachment personnel would need to increase their training and knowledge on any new legislation so as to be in compliance with its provisions. This training would take place within the normal course of business.

Therefore, there would be no fiscal impact to DAS – State Accounting in relation to this portion of the legislation.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2017-18 EXPENDITURES</u>	<u>2018-19 EXPENDITURES</u>
	<u>17-18</u>	<u>18-19</u>		
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....				
Operating.....				
Travel.....				
Capital outlay.....				
Aid.....				
Capital improvements.....				
TOTAL.....				

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

2017

LB⁽¹⁾ 259 AM 1082

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ Motor Vehicles

Prepared by: ⁽³⁾ Bart Moore Date Prepared: ⁽⁴⁾ April 19, 2017 Phone: ⁽⁵⁾ (402)471-3902

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2017-18</u>		<u>FY 2018-19</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:

AM 1082 has no fiscal impact on DMV.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2017-18</u>	<u>2018-19</u>
	<u>17-18</u>	<u>18-19</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	<u>0</u>	<u>0</u>

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

2017

LB⁽¹⁾ 259 AMENDED

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ Lancaster County Community Corrections

Prepared by: ⁽³⁾ Kim Etherton Date Prepared: ⁽⁴⁾ 4/21/17 Phone: ⁽⁵⁾ 402-441-3603

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2017-18</u>		<u>FY 2018-19</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	60,068.00	0.00	61,964.00	0.00
CASH FUNDS	0	0.00	0	0.00
FEDERAL FUNDS	0	0.00	0	0.00
OTHER FUNDS	0	0.00	0	0.00
TOTAL FUNDS	60,068.00	0.00	61,964.00	0.00

Explanation of Estimate:

Pretrial Supervision is currently being administered and utilized in Lancaster County; this bill suggests there could be an increase in the use of pretrial supervision. Pretrial Supervision involves a number of personnel within the department. Costs associated with a 10% increase are indicated below. Operating costs include drug and alcohol testing, electronic monitoring, printing and photocopying. It is noted in the bill that the judge could order Mental Health and or Substance Abuse services and could create an additional impact if resources are not allocated for these expenses.

With an increase in the use of community service, I would anticipate no less than a 10% increase in staff time to supervise the additional cases and provide timely reports to the court. No fees are currently assessed for Community Service, unless Community Service is being used as a condition of Probation or a Probation sanction. Therefore, it is unlikely there will be revenue from the additional Community Service supervision. There will be costs associated with printing, photocopying and mileage.

****** The start date of this bill has been moved to 2018; these costs would be shifted to 2018-19 & 2019-20

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2017-18</u>	<u>2018-19</u>
	<u>17-18</u>	<u>18-19</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
Comm. Corrections Coordinator	.15	.15	15,153.00	15,533.00
Comm. Corrections Field Officer	.15	.15	9,569.00	9,808.00
Comm. Corrections Clerk II	.15	.15	7,337.00	7,557.00
Comm. Corrections Screening Specialist	.10	.10	7,768.00	7,962.00
Comm. Corrections Case Manager	.10	.10	7,938.00	8,137.00
Substance Abuse Services (Matrix Treatment Program)	.10	.10	7,553.00	7,742.00
Benefits.....				
Operating.....			4,750.00	5225.00
Travel.....				
Capital outlay.....				
Aid.....				
Capital improvements.....				
TOTAL.....			60,068.00	61,964.00

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

2017

LB⁽¹⁾ LB 259/ AM 933

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ Lancaster County Department of Corrections

Prepared by: ⁽³⁾ Lt Will McGlothlin Date Prepared: ⁽⁴⁾ 4/18/2017 Phone: ⁽⁵⁾ 402-441-1919

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2017-18</u>		<u>FY 2018-19</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:

During 2016 Lancaster County Department of Corrections had 37 bookings that included the charge of "Civil Bench Warrant."

Of these 37 bookings 29 or 78% were able to bond themselves out and did not account for any days in custody. 6 or 16% of these bookings had additional charges and served "0" days towards the Civil Bench Warrant. 2 or 5% of these bookings had additional charges but served a total "3" days towards the Civil Bench Warrant.

We do not foresee a fiscal impact upon our department regarding this bill.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2017-18 EXPENDITURES</u>	<u>2018-19 EXPENDITURES</u>
	<u>17-18</u>	<u>18-19</u>		
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____

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

2017

LB⁽¹⁾ 259 AM1106

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ Lancaster County Department of Corrections

Prepared by: ⁽³⁾ LT Will McGlothlin Date Prepared: ⁽⁴⁾ 4/21/2017 Phone: ⁽⁵⁾ 402-441-1919

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2017-18</u>		<u>FY 2018-19</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:

There is no fiscal impact regarding the proposed amendment.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2017-18</u>	<u>2018-19</u>
	<u>17-18</u>	<u>18-19</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.

2017

LB259/AM933 LB259 - Provide for competency determinations in cases pending before county courts

FISCAL NOTE

State Agency OR Political Subdivision Name: (2) Douglas County, Nebraska

Prepared by: (3) Mark Foxall, Director, Douglas County Department of Correction Date Prepared: (4) 04/18/2017 Phone: (5) (402) 599-2316

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2016-17</u>		<u>FY 2017-18</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	_____	_____	_____	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
TOTAL FUNDS	<u>UNKNOWN</u>	<u>UNKNOWN</u>	<u>\$466,049</u>	<u>UNKNOWN</u>

Explanation of Estimate:

LB259/AM933 has several components that may affect our average daily population, as well as average length of stay. Adding a separate hearing to determine an offender's financial ability to pay fines and costs may lead to a lengthier presentence incarceration time. At present we are unable to determine costs related to the increased average length of stay that such hearings would create. Adding language that allows the court to waive fines and costs will reduce our average daily population. The extent to which these changes affect our department is dependent upon the number of eligible offenders. Language has also been added which allows county courts to order mental health competency evaluations the same as district court. These evaluations have the potential to lengthen the amount of time offenders spend in our facility prior to sentencing. Changing the credit for fines and costs from ninety to one hundred and fifty dollars per day will have a positive effect of approximately two (2) beds per day or seven hundred twenty (720) bed days per year. With an average per diem rate of \$90 per bed, per day we would see an annual savings of \$64,800.

(Previously submitted on 01/30/2017 for LB395)

Although we generally agree with the premise of releasing low level offenders prior to trial regardless of their ability to post bond, we do have concerns about the negative fiscal impact associated with the conditions that may be ordered by the court.

In the calendar year 2016, the Douglas County Department of Corrections released 4,836 inmates on bond. Another 838 inmates were released on their own recognizance. Of those 5,674 combined releases, any number of them could opt in for outpatient or inpatient substance abuse or mental health treatment

It is difficult to know how many inmates released on bond or their own recognizance would participate in any of the various programs detailed in the

legislation; however, approximately 65% of inmates nationally meet medical criteria for substance abuse addiction. For one individual inmate, the cost of a required substance abuse assessment is approximately \$377 plus \$6.00 per month for drug testing. We have a conservative estimate of 237 participants that may qualify for substance abuse treatment resulting in a monthly expenditure of \$90,771. Approximately 64% of jail inmates nationally meet the criteria for a mental health problem.

Outpatient treatment for a single individual over the course of one month is approximately \$500 or \$118,500 for 237 participants. The average length of stay for outpatient treatment is six months.

Dual disorder residential treatment for one individual costs approximately \$7,000 for one month or \$1,659,000 for 237 participants. The average length of stay for dual disorder residential treatment is six months.

Short-term residential treatment for one individual costs approximately \$6,000.00 for one month or \$1,422,000 for 237 participants. The average length of stay for short-term residential treatment is one month. Therapeutic community costs approximately \$4,503 for one month or \$1,067,211 for 237 participants. The average length of stay in a therapeutic community is six months.

Psychiatric residential rehabilitation would cost approximately \$3,718.00 for a 30-day stay or \$876,900 for 237 participants. The average length of stay for psychiatric residential rehabilitation is eighteen months.

Outpatient psychiatric services cost approximately \$500 for one month of services or \$118,500 for 237 participants. The average length of stay for outpatient psychiatric services is six months.

Intensive case managed services cost approximately \$8,400.00 for 30 days or \$1,990,800 for 237 participants. The average length of stay for intensive case managed services is one month.

Currently, wait times exist for residential treatment programs for both substance abuse and mental health. Wait time is based on outcome measures made available by current network providers. They are calculated using the measure of a person's initial contact to the date of admission. The wait times vary significantly and one of the largest variables that impact this measure is the availability of medical prescribers (i.e. Psychiatrist, APRN).

Wait times have varied over the past several years from 2/3 weeks to 4 months to obtain a first appointment with a medical prescriber for a medication management appointment.

The aforementioned highlights a persistent concern with regard to existing capacity in the community to meet the needs of those who are drug and/or alcohol addicted as well as those who suffer from mental illness. Additional referrals to the current substance abuse and mental health provider network will likely exacerbate wait times even further.

Based on 2016 data, seven percent of our annual intakes involved domestic violence related offences. For one client, the cost of a required domestic violence treatment intake assessment and exit interview is approximately \$100 plus \$108.33 per month for domestic violence classes. Assuming that seven percent of our population (released on bond or ROR) requires domestic violence treatment, we estimate that 397 participants would receive these

services resulting in a monthly cost of \$82,707. The average domestic violence treatment program is six months.

LB 259/AM933 is also likely to result in increased staffing needed for drug and alcohol testing and supervision in the community as well as additional electronic monitoring equipment:

- Due to increased alcohol and drug testing, we anticipate an increase in staffing of three additional sobriety technicians with an annual cost of \$88,121.
- Due to an increase in pretrial release services to include phone calls, offices visits and interviews, we see the need to increase pretrial staff by four at an annual cost of \$87,105.
- Due to an increase in electronic monitoring services and in-home visits, we anticipate an increase in staffing of minimum of three additional house arrest officers at a cost of \$166,023 annually. In addition to staffing, equipment costs are expected to increase. Our monthly cost per participant is \$260. Assuming an additional forty participants each month, we project an expenditure increase of \$10,400 each month.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2016-17 EXPENDITURES</u>	<u>2017-18 EXPENDITURES</u>
	<u>16-17</u>	<u>17-18</u>		
Sobriety Technician		3		\$88,121
Pretrial Services Clerk		4		\$87,105
House Arrest Officers		3		\$166,023
Benefits.....				
Operating.....				\$124,800
Travel.....				
Capital outlay.....				
Aid.....				
Capital improvements.....				
TOTAL.....			UNKNOWN	\$466,049