

FISCAL NOTE
LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)				
	FY 2021-22		FY 2022-23	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	\$423,846		\$829,692	
CASH FUNDS		See Below		
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	\$423,846		\$829,692	

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

This bill would require collection of DNA samples for persons arrested for crimes of violence.

The Supreme Court estimates a minimal fiscal impact. They note that this bill could result in a reduction in the number of DNA samples taken by Probation, but any such reduction is estimated not to be significant. The reason for any reduction is that current law requires a DNA sample upon conviction and this bill would require a DNA sample upon arrest for certain crimes.

The Court also notes that the requirement of a court order in certain instances could increase judicial workload, but any increase is estimated not to be significant.

The Nebraska State Patrol (NSP) estimates the following costs:

ITEMS	FY2021-22	FY2022-23
	Expenditures	
Salaries & Benefits of 1 State Patrol Forensic Tech.	21,874	43,749
Computer & Workstation	4,000	0
Buccal Collection Kit Costs	16,350	32,700
Crime Lab Supplies for the Processing of the Samples	376,622	753,244
Configuring the Laboratory Information Management System	5,000	0
TOTAL	423,846	829,692

This estimate is based on 5,000 samples for the number of arrests for crimes of violence per year. Since the bill is operative on January 1, 2022, FY22 is for half a year, less one-time items (computer and configuring the laboratory information management).

NSP notes that there is no requirement in the bill for individuals arrested for crimes of violence to pay a fee to have their DNA collected.

Section 29-4106 states that a person who is convicted of a felony offense who does not have a DNA sample available for use in the State DNA Sample Bank, shall, at his or her own expense, have a DNA sample collected. These fees are deposited into the State DNA Sample and Data Base Fund. The FY20 balance was just under \$88,000.

Although both the NSP and this fiscal note show the entire amount as General Funds, it is possible that a portion of the NSP's estimated costs could be paid from the State DNA Sample and Data Base Fund.

The Department of Correctional Services estimates no fiscal impact.

The Lancaster County Sheriff's Office estimates no fiscal impact.

The City of Lincoln estimates a minimal fiscal impact.

The City of Omaha estimates an annual cost of \$43,212.

Because the bill expands the crimes where DNA is required to be collected, it is not unreasonable to estimate that agencies who collect DNA could have increased costs. At this time, there is no basis to disagree with any estimate.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
LB: 496	AM:	AGENCY/POLT. SUB: Nebraska Supreme Court (05)
REVIEWED BY: Joe Wilcox	DATE: 03/02/2021	PHONE: (402) 471-4178
COMMENTS: No basis to dispute the Nebraska Supreme Court estimate of "Minimal" Fiscal Impact to the Agency from LB 496. The Supreme Court fiscal note indicates no additional resources would be required.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
LB: 496	AM:	AGENCY/POLT. SUB: Nebraska State Patrol (64)
REVIEWED BY: Joe Wilcox	DATE: 03/03/2021	PHONE: (402) 471-4178
COMMENTS: No basis to disagree with the Nebraska State Patrol estimate of potential Fiscal Impact to the Agency from LB 496.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
LB: 496	AM:	AGENCY/POLT. SUB: Nebraska Department of Correctional Services (46)
REVIEWED BY: Joe Wilcox	DATE: 01/27/2021	PHONE: (402) 471-4178
COMMENTS: No basis to dispute the Nebraska Department of Correctional Services (NDCS) estimate of No Fiscal Impact to the Agency from LB 496.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
LB: 496	AM:	AGENCY/POLT. SUB: Lancaster County Sheriff's Office
REVIEWED BY: Joe Wilcox	DATE: 01/27/2021	PHONE: (402) 471-4178
COMMENTS: No basis to dispute the Lancaster County Sheriff's Office estimate of No Fiscal Impact to the County from LB 496.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
LB: 496	AM:	AGENCY/POLT. SUB: City of Omaha
REVIEWED BY: Joe Wilcox	DATE: 01/27/2021	PHONE: (402) 471-4178
COMMENTS: No basis to dispute the City of Omaha estimate of potential Fiscal Impact to the City from LB 496.		

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

2021

LB⁽¹⁾ 496

FISCAL NOTE

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

Prepared by: ⁽³⁾ Eric Asboe Date Prepared: ⁽⁴⁾ 2/28/2021 Phone: ⁽⁵⁾ 402-326-9215

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2021-22</u>		<u>FY 2022-23</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:

DNA samples are currently taken by Probation, in most cases, upon conviction. LB496 requires a sample be taken upon arrest. As a result, it's possible that the number of samples taken by Probation may be reduced. However, it is estimated that any reduction in Probation workload would not be significant and any fiscal impact would be minimal. A requirement of a court order in certain instances may increase judicial workload, but any increase is also not estimated to be significant. No additional resources required.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2021-22</u>	<u>2022-23</u>
	<u>21-22</u>	<u>22-23</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____

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2021

LB⁽¹⁾ 496

FISCAL NOTE

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

Prepared by: ⁽³⁾ Carol Aversman Date Prepared: ⁽⁴⁾ 3/1/2021 Phone: ⁽⁵⁾ _____

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2021-22</u>		<u>FY 2022-23</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	\$423,846	_____	\$829,692	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
TOTAL FUNDS	<u>\$423,846</u>	_____	<u>\$829,692</u>	_____

Explanation of Estimate:

LB 496 adds language requiring DNA samples from individuals arrested for alleged crimes of violence on or after the operative date of the act to be collected and stored in a State DNA Sample Bank maintained by the Nebraska State Patrol Crime Lab. The bill further defines what such crimes of violence shall include. The operative date of the bill is January 1, 2022. Accordingly, only 50% of the ongoing costs of supplies and personnel are reflected in FY 2021-22. Based upon information obtained from the Nebraska Crime Commission, the fiscal note reflects expenses for 5,000 samples. This amount is based on 2017/2018 data recording the number of arrests for crimes of violence. It is important to note that this is merely an estimate and it is unknown as to how many samples may actually be required to be gathered. The costs reflected in the fiscal note include the salaries and benefits for one additional FTE (a Forensic Technician), the cost of a computer/workstation (\$4,000 in FY 21/22), buccal collection kit costs (\$16,350 and \$32,700 for FY 21/22 and FY 22/23, respectively), and crime lab supplies for the processing of the samples (\$376,622 and \$753,244 for FY 21/22 and FY 22/23, respectively). Additionally included is the cost for configuring the laboratory information management system (LIMS) (\$5,000 in FY 21/22).

The bill does not have a separate provision that carves out a requirement for the collection of fees from the individuals that have been added to this bill (those arrested for alleged crimes of violence). While previous language exists for such costs to be paid by individuals convicted of felony offenses, there is not language that clearly identifies if fees will be required to be collected for the processing of DNA from individuals arrested for alleged crimes of violence. Accordingly, no additional revenue amounts have been reflected in this fiscal note, and it is assumed that the costs will need to be funded by General Funds.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2021-22</u>	<u>2022-23</u>
	<u>21-22</u>	<u>22-23</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
Nebraska State Patrol Forensic Tech.	1	1	\$16,203	\$32,407
Benefits.....			\$5,671	\$11,342
Operating.....			\$392,972	\$785,943
Travel.....				
Capital outlay.....			\$9,000	
Aid.....				

Capital improvements.....
TOTAL.....

\$423,846

\$829,692

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

2021

LB⁽¹⁾ 496

FISCAL NOTE

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

Prepared by: ⁽³⁾ Lisa Stanton Date Prepared: ⁽⁴⁾ 01/22/2021 Phone: ⁽⁵⁾ (402)479-5702

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2021-22</u>		<u>FY 2022-23</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:

NDCS estimates no fiscal impact as a result of LB 496.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2021-22</u>	<u>2022-23</u>
	<u>21-22</u>	<u>22-23</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.

2021

LB⁽¹⁾ 496

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ Lancaster County Sheriff's Office

Prepared by: ⁽³⁾ Sheriff Terry Wagner Date Prepared: ⁽⁴⁾ 01-27-2021 Phone: ⁽⁵⁾ 402 441 6500

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2021-22</u>		<u>FY 2022-23</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 known fiscal impact

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2021-22</u>	<u>2022-23</u>
	<u>21-22</u>	<u>22-23</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.

2021

LB⁽¹⁾ 496

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ City of Lincoln

Prepared by: ⁽³⁾ James Van Bruggen Date Prepared: ⁽⁴⁾ 1/26/21 Phone: ⁽⁵⁾ 402-441-8301

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2021-22</u>		<u>FY 2022-23</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:

Minimal Fiscal Impact

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2021-22</u>	<u>2022-23</u>
	<u>21-22</u>	<u>22-23</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.

2021

LB⁽¹⁾ 496

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ City of Omaha

Prepared by: ⁽³⁾ Tyler Leimer Date Prepared: ⁽⁴⁾ 1/27/2021 Phone: ⁽⁵⁾ (402) 444-4514

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2021-22</u>		<u>FY 2022-23</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	\$43,211		\$43,211	
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	=====	=====	=====	=====

Explanation of Estimate:

Evidence & Property Unit: \$42,211.88

- Additional refrigerators for DNA storage = \$5,000
- Increase secured storage space = \$30,000
- Additional trips with evidence to the State lab in Lincoln (gas, staffing) = \$7,211.88 (approx. 120 miles of driving per week, approx. 3 staffing hours per week).

Supply: \$1,000

- DNA collection kits = \$1,000

Total projected fiscal impact = \$43,211.88

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2021-22 EXPENDITURES</u>	<u>2022-23 EXPENDITURES</u>
	<u>21-22</u>	<u>22-23</u>		
Benefits.....				
Operating.....				
Travel.....				
Capital outlay.....				
Aid.....				
Capital improvements.....				
TOTAL.....				