

FISCAL NOTE

LEGISLATIVE FISCAL ANALYST ESTIMATE

Updated for amendments adopted through May 7, 2021.

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	\$423,846	\$829,692	\$829,692
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	\$423,846	\$423,846	\$829,692	\$829,692

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

This bill, as amended by AM1054, would require collection of DNA samples for persons arrested for crimes of violence or burglary. It becomes operative on January 1, 2022.

The Supreme Court states that DNA samples are currently taken by Probation upon conviction. AM1054 requires a sample be taken when an adult is charged. As a result, it's possible that the number of samples taken by Probation may be reduced, but any workload reduction is estimated not to be significant. A requirement of a court order in certain instances may increase judicial workload, but any increase is estimated not to be significant.

The Nebraska State Patrol (NSP) states that AM1054 does not change their original estimate, which is itemized in the following table:

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 system).

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.

The boxes at the top of this fiscal note show both General Fund expenditures and General Fund revenues. The reason is that in the "A" bill the NSP's estimated costs are transferred from the State Settlement Cash Fund to the General Fund. This transfer offsets the General Fund impact in FY2021-22 or FY2022-23.

AM1274 is similar to LB316 as amended by AM354. This bill clarifies the date from which the one-year limitation for filing a motion for postconviction relief shall run. It appears that AM1274 will not have any significant fiscal impact to the state or political subdivisions. For LB316, the Supreme Court estimated a minimal fiscal impact and the Department of Correctional Services estimated no fiscal impact.

AM1285 states that DNA can only be collected if the person is nineteen years of age or older. This appears to be a clarifying amendment and should have no fiscal impact.

CONTINUED

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE

LB: 496 **AM: 1054** AGENCY/POLT. SUB: **Nebraska Supreme Court (05)**

REVIEWED BY: Joe Wilcox DATE: 04/23/2021 PHONE: (402) 471-4178

COMMENTS: No basis to dispute the Nebraska Supreme Court estimate of "Minimal" Fiscal Impact to the Agency from LB 496, as amended by the Judiciary Committee Amendment – AM 1054 to the bill. The Supreme Court fiscal note indicates no additional resources would be required.

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

2021

LB⁽¹⁾ 496, AM1054

FISCAL NOTE

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

Prepared by: ⁽³⁾ Eric Asboe Date Prepared: ⁽⁴⁾ 4/23/2021 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:

Probation currently takes DNA samples, in most cases, upon conviction. LB496, as amended by AM1054, requires a sample be taken when an adult is charged with crime of violence or burglary. As a result, it's possible that the number of samples taken by Probation may decrease. However, it is estimated that any reduction in Probation workload would not be significant and any fiscal impact would be minimal. Judicial workload may increase related to court order requirements, however, 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.....	_____	_____	_____	_____

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

2021

LB⁽¹⁾ 496, AM1054

FISCAL NOTE

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

Prepared by: ⁽³⁾ Carol Aversman Date Prepared: ⁽⁴⁾ 4/27/2021 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.

Amendment 1054 to the bill that is proposed will not have any impact on the Fiscal Note that was originally submitted by the Agency. The costs reflected above are those submitted on the original bill and remain unchanged.

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.....	<u>\$392,972</u>	<u>\$785,943</u>
Travel.....		
Capital outlay.....	<u>\$9,000</u>	
Aid.....		
Capital improvements.....		
TOTAL	<u>\$423,846</u>	<u>\$829,692</u>