

Update language for AM2978

FISCAL NOTE
LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)				
	FY 2024-25		FY 2025-26	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS				
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS				

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

AM 2978 replaces the original bill, establishing a Veteran Justice Program in Nebraska, set to become operative on July 1, 2025.

Section 1 defines key definitions essential to the understanding and implementation of the amendment. Following,

Section 2 inaugurates the Veteran Justice Program, to be administered by the probation administrator and adhering to the Supreme Court's guidelines. This program will be accessible across all district and county courts, operating under the premise of deferred judgments, with certain outlined exceptions.

Section 3 explains the criteria for eligibility and presumption of participation. The bill suggests that veterans, whose offenses may be linked to service-related conditions, are presumed eligible. This presumption stands unless a judicial determination is made, suggesting that the veteran's participation would not contribute to public safety.

Section 4, amends the Veteran Justice Program's core elements and judicial discretion. It emphasizes the provision of targeted, evidence-based treatments for conditions such as PTSD and traumatic brain injury, through tailored case plans crafted in collaboration between the judiciary and experts.

Section 5 mandates that courts allow defendants the opportunity to confidentially reveal their veteran status, which will be considered a mitigating factor during sentencing. It explicitly prohibits the use of veteran status as an aggravating factor, highlighting the importance of recognizing the relationship between military service and certain offenses as a basis for sentencing mitigation.

Section 6 obliges law enforcement and court personnel to verify the veteran status of individuals within the criminal justice system, alongside receiving specialized training on veterans' issues, including the impacts of military service and related traumas. Finally,

Section 7 assigns the State Court Administrator the responsibility of compiling and analyzing data regarding veterans' engagement with the program. This includes tracking participation rates, program outcomes, and demographic information, with a mandate to report findings to the Judiciary Committee, thereby ensuring transparency and the program's continuous improvement.

The Supreme Court has indicated that AM2978 may result in a General Fund fiscal impact estimated at \$4,548,575, beginning in FY2526. This projection includes allocations for a specialist role in each judicial district dedicated to managing and coordinating veteran services, the addition of Veteran Treatment Court probation officers in districts boasting veteran problem-solving courts and significant veteran demographics, and the provision of administrative and IT support aimed at bolstering case management, veteran status verification, and data reporting enhancements. There is no basis to disagree with the estimates.

For FY25-26, \$100,000 of the Supreme Court's fiscal impact is for modifications to 'JUSTICE', the case management system. Typically, 'JUSTICE' is funded through a cash fund, but given the substantial amount required to finish the project and available cash funds, the agency will require General Funds.

Counties could see a substantial fiscal impact for AM2978.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE			
LB: 253	AM: 2978	AGENCY/POLT. SUB: Supreme Court	
REVIEWED BY:	Jacob Leaver	DATE: 3/26/2024	PHONE: (402) 471-4173
COMMENTS: No basis to dispute the Supreme Court's estimated fiscal impact as a result of LB 253 AM 2978.			

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE			
LB: 253	AM: 2978	AGENCY/POLT. SUB: Nebraska Association of County Officials	
REVIEWED BY:	Jacob Leaver	DATE: 3/25/2024	PHONE: (402) 471-4173
COMMENTS: No basis to dispute the Nebraska Association of County Officials' estimate of indeterminable fiscal impact.			

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

2024

LB⁽¹⁾ 253, AM2978

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾

Nebraska Association of County Officials (NACO)

Prepared by: ⁽³⁾ Elaine Menzel

Date Prepared: ⁽⁴⁾ 3/24/2024

Phone: ⁽⁵⁾ 402.434.5660

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2024-25</u>		<u>FY 2025-26</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:

LB 253, AM2978 replaces the original bill in its entirety and creates a veteran justice program in Nebraska.

Section 6 of Judiciary Committee AM2978 would require law enforcement, court, and correctional personnel to verify the veteran status of any individual being processed through the criminal justice system in order to identify individuals who may be eligible for participation in a veteran justice program or for sentencing mitigation. Such personnel shall receive training designed to increase their understanding of cases involving veterans, including veterans' exposure to violence and trauma. Such training shall include attention on issues that disproportionately impact female veterans, such as military sexual trauma.

There are approximately 1700 law enforcement employees that would be mandated to receive training pursuant to section 6 and an estimated 300 court staff in the clerk of the district courts office. Although not explicitly stated, it is presumed that counties would be responsible for paying for costs associated with such training.

It is estimated that (300 court employees) X (\$27) X (4 possible hours of training) OR (8 possible hours of training) AND (1,700 law enforcement employees) X (\$24) X (4 possible hours of training) OR (8 possible hours of training)

Estimated cost to counties: \$232,148 (4 hours of training)- \$464,296 (8 hours of training). Notably, this cost does not include paying trainers to conduct training, meaning the range could easily be bumped to more round figures of \$250,000-\$500,000, depending on whether the training was a half or full day.

Further, the costs associated with such training would vary depending upon whether it is conducted in person training that would require out of office and travel time of individuals or their virtual attendance.

NACO notes that this estimate is not a measure of an expenditure by the counties, but rather of lost productivity.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2024-25</u> <u>EXPENDITURES</u>	<u>2025-26</u> <u>EXPENDITURES</u>
	<u>24-25</u>	<u>25-26</u>		
Benefits.....				
Operating.....				
Travel.....				
Capital outlay.....				
Aid.....				
Capital improvements.....				
TOTAL.....				

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

2024

LB⁽¹⁾ 253, AM2978

FISCAL NOTE

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

Prepared by: ⁽³⁾ Eric Asboe Date Prepared: ⁽⁴⁾ 3/25/2024 Phone: ⁽⁵⁾ 402-326-9215

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2024-25</u>		<u>FY 2025-26</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	_____	_____	See Below	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
TOTAL FUNDS	=====	=====	See Below	=====

Explanation of Estimate:

LB253, as amended by AM2978, FY26 General Fund estimated fiscal impact: \$4,548,575.

Impact includes:

1. A specialist position in each judicial district to coordinate case management and services for veterans.
2. Additional Veteran Treatment Court probation officers in those judicial districts that have existing veteran problem-solving courts and higher veteran populations.
3. Administrative staff and IT funding to support additional case management, veteran verification and data reporting.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2024-25</u>	<u>2025-26</u>
	<u>24-25</u>	<u>25-26</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____