

**FISCAL NOTE**  
**LEGISLATIVE FISCAL ANALYST ESTIMATE**

<b>ESTIMATE OF FISCAL IMPACT – STATE AGENCIES</b> (See narrative for political subdivision estimates)				
	<b>FY 2017-18</b>		<b>FY 2018-19</b>	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS				
CASH FUNDS	See below			
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS				

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

This bill would change provisions relating to conditions of and ability to post bail.

The Supreme Court estimates that this bill will have a \$10,000 one-time Cash Fund impact to modify JUSTICE, the judicial branch case management system. Due to the relatively small expenditure impact, no additional appropriation should be required.

The Commission on Public Advocacy estimates no fiscal impact from this bill.

Although Douglas County did not estimate an overall impact, their response contains detailed costs of various provisions of the bill.

Lancaster County Department of Corrections also did not estimate an overall impact, but it appears from their response that they do believe this bill will have a fiscal impact to them.

See both Douglas County and Lancaster County Department of Corrections responses attached for additional details.

<b>ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY &amp; POLT. SUB. RESPONSES</b>			
<b>LB: 395</b>	<b>AM:</b>	AGENCY/POLT. SUB: <b>Nebraska Supreme Court (05)</b>	
REVIEWED BY: Joe Wilcox	DATE: 3/14/2017	PHONE: <a href="tel:4024714178">(402) 471-4178</a>	
COMMENTS: No basis to dispute the Nebraska Supreme Court estimate of potential one-time Cash Fund expenditures to the Agency from LB 395.			

<b>ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY &amp; POLT. SUB. RESPONSES</b>			
<b>LB: 395</b>	<b>AM:</b>	AGENCY/POLT. SUB: <b>Douglas County</b>	
REVIEWED BY: Joe Wilcox	DATE: 1/31/2017	PHONE: <a href="tel:4024714178">(402) 471-4178</a>	
COMMENTS: No basis to dispute the Douglas County estimate of potential, but Unknown Fiscal Impact to the County from LB 395.			

<b>ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY &amp; POLT. SUB. RESPONSES</b>			
<b>LB: 395</b>	<b>AM:</b>	AGENCY/POLT. SUB: <b>Lancaster County Department of Corrections</b>	
REVIEWED BY: Joe Wilcox	DATE: 1/24/2017	PHONE: <a href="tel:4024714178">(402) 471-4178</a>	
COMMENTS: No basis to dispute the Lancaster County Department of Corrections estimate of Indeterminate Fiscal Impact to the County from LB 395.			

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

**2017**

**LB<sup>(1)</sup> 395**

**FISCAL NOTE**

State Agency OR Political Subdivision Name: <sup>(2)</sup> Supreme Court

Prepared by: <sup>(3)</sup> Eric Asboe Date Prepared: <sup>(4)</sup> 3/13/17 Phone: <sup>(5)</sup> 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	_____	_____	_____	_____
CASH FUNDS	10,000	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
TOTAL FUNDS	<u>10,000</u>	_____	_____	_____

**Explanation of Estimate:**

LB395 is estimated to have a \$10,000 one-time Cash Fund impact to modify JUSTICE, the judicial branch case management system. Additional programming would be necessary to account for additional bond conditions. No additional revenue is anticipated to offset the increase in expenditures. The fiscal impact on court education and operations is not anticipated to be significant.

**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.....	_____	_____	10,000	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	10,000	_____

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

2017

LB<sup>(1)</sup> 395

FISCAL NOTE

State Agency OR Political Subdivision Name: <sup>(2)</sup> Nebraska Commission on Public Advocacy

Prepared by: <sup>(3)</sup> Jeffery A. Pickens Date Prepared: <sup>(4)</sup> 1-17-17 Phone: <sup>(5)</sup> 402-471-7775

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:

No fiscal impact

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

**LB395**<sup>(1)</sup> Change provisions relating to conditions of  
and ability to post bail

**FISCAL NOTE**

State Agency OR Political Subdivision Name: <sup>(2)</sup> DOUGLAS COUNTY, NEBRASKA

---

Prepared by: <sup>(3)</sup> AMBER MICHALSKI, Date Prepared: <sup>(4)</sup> 1/30/17 Phone: <sup>(5)</sup> 402.599.2267  
DOUGLAS COUNTY  
CORRECTIONS

**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>UNKNOWN</u>	<u>N/A</u>	<u>UNKNOWN</u>	<u>N/A</u>

**Explanation of Estimate:**

**NEGATIVE FISCAL IMPACT TO DOUGLAS COUNTY**

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 395 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>2017-18</u>	<u>2018-19</u>
	<u>16-17</u>	<u>17-18</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....			_____	_____
Operating.....			_____	_____
Travel.....			_____	_____
Capital outlay.....			_____	_____
Aid.....			_____	_____
Capital improvements.....			_____	_____
TOTAL.....			<u>UNKNOWN</u>	<u>UNKNOWN</u>

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

**2017**

**LB<sup>(1)</sup> 395**

**FISCAL NOTE**

State Agency OR Political Subdivision Name: <sup>(2)</sup> Lancaster County Department of Corrections

Prepared by: <sup>(3)</sup> LT William McGlothlin Date Prepared: <sup>(4)</sup> 1/23/17 Phone: <sup>(5)</sup> 4024411919

**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 Fiscal Year 2014-2015 Lancaster County Department of Corrections had 9,858 bookings, 1,704 of those were booked as sentence. Of the remaining 8,154 bookings, 4,105 were able to post bond. Fiscal Year 2015-2016 there were 9,380 bookings, 1,503 of those were booked as a sentence. Of the remaining 7,877 bookings, 4,049 were able to post bond. In general approximately 50% of all bookings over the last two fiscal years were able to post a bond. However, at this time it is difficult to formulate the overall fiscal impact to the Department. 1) We, cannot predict how many defendants the courts would consider an appropriate risk for release not withstanding their financial ability to pay.

2) It costs the county approximately \$30 per day to supervise individuals on a pretrial release status. We cannot accurately determine how many individuals will be placed on this status by the courts.

**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.....	_____	_____	_____	_____