

FISCAL NOTE
LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)				
	FY 2019-20		FY 2020-21	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	90,500		28,688	
CASH FUNDS	100,000		0	
FEDERAL FUNDS	225,000		86,063	
OTHER FUNDS				
TOTAL FUNDS	415,500		114,750	

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

This bill would adopt the Extreme Risk Protection Order Act. The bill has the emergency clause.

The Supreme Court states that the bill would require the publication and translation of forms and other documents. The Court estimates a one-time General Fund cost of \$15,500 for translation into two significant language populations, Spanish and Somali. They note that additional languages would increase the impact.

The Supreme Court would also need to make modifications to their case management system in order to create the extreme risk protection order at an estimated one-time Cash Fund cost of \$100,000. The Court notes that a Cash Fund expenditure of this amount without a corresponding revenue increase affects the sustainability of this fund, which is the Supreme Court Automation Cash Fund. The main revenue source is an eight dollar court fee.

The Supreme Court also notes a potential increase in judicial and court staff workload because of the requirements to hold evidentiary hearings, but a reasonable estimate of any impact cannot be determined at this time.

The Nebraska State Patrol (NSP) states that the bill requires them to notify local law enforcement (sheriff or police chief) that the respondent has a handgun purchase certificate issued under section 69-2404. If the respondent has this certificate, the sheriff or police chief shall immediately revoke the certificate.

Based on this requirement, NSP anticipates that a mechanism may need to be created for tracking handgun purchase permits issued by various law enforcement agencies across the state. NSP and the Crime Commission have discussed creating a central repository for handgun purchase certificates issued by local law enforcement.

The Crime Commission estimates that they would need to modify the Nebraska Criminal Justice Information System (NCJIS) to create this central repository. The Crime Commission estimates a one-time General Fund cost of \$414,750 spread-out over two years: \$300,000 in FY20 and \$114,750 in FY21. However, NSP anticipates that they may be able to obtain federal funding for this project, which they estimate may cover 75% of the cost.

The following table shows by fund source the estimated cost for creating this central repository:

	FY2019-20	FY2020-21
GENERAL FUNDS	75,000	28,688
FEDERAL FUNDS	225,000	86,063
TOTAL FUNDS	300,000	114,750

See both the NSP and the Crime Commission responses attached for additional details not included in this fiscal note.

The Department of Correctional Services (DCS) states that this bill will have an indeterminate fiscal impact.

Penalties for violating the provisions of this bill are a Class II or Class III misdemeanor, or a Class IV felony.

Misdemeanor sentences are generally served in county jails if jail time is imposed. If the impact of this bill is to increase the number of people serving time in county jails by more than current law, this could result in additional costs to counties.

Under state law, probation is presumed for a Class IV felony unless certain provisions are met. See section 29-2204.02 for details. If a person is placed on probation, this could result in additional costs to Probation Administration. Additionally, a Class IV felony does carry the potential for prison time.

If the impact of this bill is to increase the inmate prison population by more than current law, DCS could incur additional per diem costs. For every inmate, DCS incurs per diem costs. This is the cost for food, medical care, inmate wages, clothing, cleaning supplies, food service supplies, cell and dorm supplies, other inmate related supplies, laundry, inmate property, miscellaneous contractual services, and inmate transportation. The FY18 per diem cost for an individual inmate was \$8,226 per year, which includes DCS inmates in county jails. For informational purposes, DCS estimates the cost per offender (All facilities including Parole) at \$31,271 for FY16. This cost represents an average cost of all General, Cash, and Federal expenditures excluding aid, depreciation, and Capital Construction expenditures.

If the impact of this bill is to increase the state prison inmate population by more than current law, then this could have an impact on prison overcrowding. As of October - December 2018, the prison population was 159% of design capacity. Additionally, DCS contracts with some counties to temporarily house prison inmates. If those inmates are included in the prison population numbers, then the prison population would be 162% of design capacity.

Both the misdemeanor and felony penalties under this bill also carry the possibility of a fine being imposed. Any fines assessed pursuant to convictions will accrue to the county where the violation occurs to be used for the support of public schools.

The Lancaster County Sheriff's Office estimates that they may have 663 Extreme Risk Protection Orders. Many of these orders may involve firearms, and they estimate it could take 1-2 hours per respondent to seize any weapons. Because of the variables involved, they are unable to estimate a cost at this time.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE			
LB: 58	AM:	AGENCY/POLT. SUB: Nebraska State Patrol (064)	
REVIEWED BY: Joe Wilcox	DATE: 02/05/2019	PHONE: (402) 471-4178	
COMMENTS: No basis to dispute the Nebraska State Patrol estimate of potential federal fund pass-through impact to the Agency from LB 58.			

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE			
LB: 58	AM:	AGENCY/POLT. SUB: Nebraska Commission on Law Enforcement and Criminal Justice (078)	
REVIEWED BY: Joe Wilcox	DATE: 02/01/2019	PHONE: (402) 471-4178	
COMMENTS: No basis to dispute the Nebraska Commission on Law Enforcement and Criminal Justice estimate of potential one-time Fiscal Impact to the Agency from LB 58. These expenditures to be spread over both FY 2019-20 and FY 2020-21.			

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
LB: 58	AM:	AGENCY/POLT. SUB: Nebraska Department of Correctional Services (046)
REVIEWED BY: Joe Wilcox	DATE: 01/23/2019	PHONE: (402) 471-4178
COMMENTS: No basis to dispute the Nebraska Department of Correctional Services (NDCS) estimate of Indeterminable Fiscal Impact to the Agency from LB 58.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
LB: 58	AM:	AGENCY/POLT. SUB: Lancaster County Sheriff Department
REVIEWED BY: Joe Wilcox	DATE: 01/16/2019	PHONE: (402) 471-4178
COMMENTS: No basis to dispute the Lancaster County Sheriff Department estimate of potential but indeterminate Fiscal Impact to the Sheriff Department from LB 58.		

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

2019

LB⁽¹⁾ 58

FISCAL NOTE

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

Prepared by: ⁽³⁾ Eric Asboe Date Prepared: ⁽⁴⁾ 2/26/19 Phone: ⁽⁵⁾ 1-4138

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2019-20</u>		<u>FY 2020-21</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	<u>15,500</u>	<u> </u>	<u> </u>	<u> </u>
CASH FUNDS	<u>100,000</u>	<u> </u>	<u> </u>	<u> </u>
FEDERAL FUNDS	<u> </u>	<u> </u>	<u> </u>	<u> </u>
OTHER FUNDS	<u> </u>	<u> </u>	<u> </u>	<u> </u>
TOTAL FUNDS	<u>115,500</u>	<u> </u>	<u> </u>	<u> </u>

Explanation of Estimate:

LB58 would require modifications to JUSTICE, the Judicial Branch case management system, to create the extreme risk protection order. Estimate: \$100,000 Cash Fund, one-time expenditure. LB58 also requires publication and translation of forms and other documents. Estimate: \$15,500 General Fund, translation into two significant language populations, Spanish and Somali. Additional languages would increase the impact. Lastly, there is the potential for an increase in judicial and court staff workload due to the requirements to hold evidentiary hearings. A reasonable estimate of the workload impact cannot be determined at this time.

For the Supreme Court Automation Cash Fund, expenditures of this amount, without corresponding revenue, also affect the sustainability of the fund. The extent of any impact is not known at this time, however, the fund balance has generally declined in recent years.

It should also be noted, that in order to implement LB58, as introduced, work on other important Judicial Branch IT projects will be delayed.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2019-20</u>	<u>2020-21</u>
	<u>19-20</u>	<u>20-21</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
<u>Benefits.....</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>Operating.....</u>	<u> </u>	<u> </u>	<u>115,500</u>	<u> </u>
<u>Travel.....</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>Capital outlay.....</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>Aid.....</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>Capital improvements.....</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>TOTAL.....</u>	<u> </u>	<u> </u>	<u>115,500</u>	<u> </u>

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2019

LB⁽¹⁾ 58

FISCAL NOTE

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

Prepared by: ⁽³⁾ Carol Aversman Date Prepared: ⁽⁴⁾ 2-4-19 Phone: ⁽⁵⁾ 402-471-4545

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2019-20</u>		<u>FY 2020-21</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 58 adopts the Extreme Protection Order Act. The bill includes a provision that requires the determination if the respondent has a certificate issued under section 69-2404. If the respondent has such a certificate, the Nebraska State Patrol shall immediately notify the sheriff or chief of police who issued such certificate. Upon receipt of such notification, such sheriff or chief of police shall immediately revoke the certificate. With the above noted requirement, the Agency anticipates that a database, list or mechanism for tracking Handgun Purchase Permits issued by various law enforcement agencies across the state may need to be created. The State Patrol has been involved in discussions with the Crime Commission revolving around the necessary build-out of a system to provide a central repository, which would be a large, time-intensive, and costly project. It is anticipated that the State Patrol could obtain federal funding for this build-out. This funding would be obtained by the State Patrol as the State's designated administrator for funding available from the National Criminal History Improvement Program (NCHIP) and the NICS Act Record Improvement Program (NARIP). The State Patrol would act in the capacity of a pass-through to the Crime Commission as a sub-recipient for purposes of building the above noted database system. The Crime Commission has estimated that the cost of such a database would be in the neighborhood of \$400,000-\$600,000 over a 2-year period of time.

The State Patrol will have Federal Funds costs, but strictly only from the standpoint of acting as a pass-through entity for the Federal Funding to the Crime Commission. The State Patrol estimates that they could obtain Federal Funding that may cover 75% of the cost of the build-out of the database system needed. Other funding sources would need to be identified by the Crime Commission in order to pay for any remaining costs not covered by the aforementioned Federal Funds.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2019-20</u>	<u>2020-21</u>
	<u>19-20</u>	<u>20-21</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.

2019

LB⁽¹⁾ 58

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ NE Comm On Law Enforcement (Crime Commission)

Prepared by: ⁽³⁾ Bruce Ayers Date Prepared: ⁽⁴⁾ 1-31-2019 Phone: ⁽⁵⁾ 402-477-0359

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2019-20</u>		<u>FY 2020-21</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	<u>300,000</u>	<u>0</u>	<u>114,750</u>	<u>0</u>
CASH FUNDS	<u> </u>	<u> </u>	<u> </u>	<u> </u>
FEDERAL FUNDS	<u> </u>	<u> </u>	<u> </u>	<u> </u>
OTHER FUNDS	<u> </u>	<u> </u>	<u> </u>	<u> </u>
TOTAL FUNDS	<u>300,000</u>	<u>0</u>	<u>114,750</u>	<u>0</u>

Explanation of Estimate: This fiscal note is written after discussing LB 58 with the Information Services Division of the Crime Commission. The estimated cost to create an Extreme Risk Protection Order type in the Protection Order portal is a one-time cost of \$414,750 for development within the Nebraska Criminal Justice Information System (NCJIS). NCJIS is administered by the Crime Commission. The current Protection Order portal within NCJIS is a joint collaboration with the State Patrol and the Administrative Office of the Courts. The portal is maintained via a contract with Analysts International.

The following is an explanation and itemized cost as written by our I.T. manager:

Regarding the centralized repository for purchase permits. The State Patrol Criminal Identification Division Director and I agree that the Extreme Risk Protection Order cannot be administered without a centralized repository.

The Crime Commission fiscal note will concentrate only on the funding for a centralized purchase permit repository. Work performed will include (1) an Interface Form for County Sheriff Offices to manually input data into NCJIS; (2) Data Exchange (Data Upload) for those County Sheriff Offices that already have a Record Management System – so they can establish a direct data feed to the repository; (3) NCJIS Index Inclusion... so that the information shows up when someone initiates a query on NCJIS; and (4) management costs.

The total cost to add the purchase permit repository is a one-time cost of \$414,750. To reiterate two things again, this is an 18 to 24 month project, and this repository functions under the assumption that purchase permits would need to be mandated to funnel through the Crime Commission. Funds are needed and buy-in from law enforcement is critical. If there are any questions on this fiscal note, the Crime Commission's I.T. manager is available to answer them.

Interface (Form)	
Requirements Gathering	\$3,000
Design	\$3,000
Development	\$73,500
Unit Testing	\$14,625
System Testing	\$22,125
Deployment	\$6,000
User Test support	\$15,000
Data Exchange (Data Upload)	
Requirements Gathering	\$3,000
Design	\$1,500
Development	\$7,500

XML Spec Creation	\$7,500
Exchange Testing	\$16,125
Deployment (10)	\$60,000
Data Validation	\$22,500
NCJIS Index Inclusion	
Requirements Gathering	\$1,500
Design	\$1,500
Development	\$36,750
Unit Testing	\$7,313
System Testing	\$11,063
Re-deployment Index	\$3,000
Permission Management	\$1,500
Management	
Project Management	\$15,000
Documentation	\$6,750
NCJIS Support	\$39,000
Storage	\$20,000
Data Agreement Management	\$16,000
Total	\$414,750

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2019-20 EXPENDITURES</u>	<u>2020-21 EXPENDITURES</u>
	<u>19-20</u>	<u>20-21</u>		
Benefits.....				
Operating.....			300,000	114,750
Travel.....				
Capital outlay.....				
Aid.....				
Capital improvements.....				
TOTAL.....			300,000	114,750

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

2019

LB⁽¹⁾ 58

FISCAL NOTE

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

Prepared by: ⁽³⁾ Sara Sump Date Prepared: ⁽⁴⁾ 1/16/19 Phone: ⁽⁵⁾ 402.479.5702

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2019-20</u>		<u>FY 2020-21</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:
The fiscal impact of LB 58 is indeterminable.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2019-20 EXPENDITURES</u>	<u>2020-21 EXPENDITURES</u>
	<u>19-20</u>	<u>20-21</u>		
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____

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

2019

LB⁽¹⁾ 58

FISCAL NOTE

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

Prepared by: ⁽³⁾ Sheriff Terry Wagner Date Prepared: ⁽⁴⁾ 1/16/2019 Phone: ⁽⁵⁾ 402 441 6500

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2019-20</u>		<u>FY 2020-21</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: The Lancaster County Sheriff's Office served 884 Protection Orders in 2018. I can only estimate that 3/4 of those may have been filed as Extreme Risk Protection orders under LB 58. I have no way of knowing how many of the respondents of the estimated 663 Orders would be in possession of firearms, but my guess would be many. Seizing weapons from one respondent will be time consuming (1-2 hrs), but because of the variables, I have no way to calculate the total costs to implement this bill.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2019-20 EXPENDITURES</u>	<u>2020-21 EXPENDITURES</u>
	<u>19-20</u>	<u>20-21</u>		
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____