

PREPARED BY: Kenneth Boggs  
 DATE PREPARED: February 02, 2024  
 PHONE: 402-471-0050

**LB 1123**

Revision: 00

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

<b>ESTIMATE OF FISCAL IMPACT – STATE AGENCIES</b> (See narrative for political subdivision estimates)				
	<b>FY 2024-25</b>		<b>FY 2025-26</b>	
	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.**

LB 1123 outlines grounds for relief, including wrongful denial or infringement of rights under the Nebraska or U.S. Constitution, or actual innocence. For proving actual innocence, clear and convincing evidence is required that no reasonable factfinder would have convicted the prisoner. Evidence not presented at trial, such as exculpatory DNA results, alternative suspect evidence, impeachment of state witnesses, or new forensic evidence challenging the trial's forensic evidence, must be presented.

The bill addresses exceptions to procedural defaults or time limitations in legal proceedings, stating that the court may overlook these to prevent manifest injustice. It focuses on cases where a prisoner claims actual innocence, stating that procedural defaults or time limits can be excused if it helps address such claims. Additionally, it clarifies that failing to raise an ineffective assistance of trial counsel claim during direct appeal does not constitute a procedural default for that claim, ensuring that claims of injustice can be reviewed even if not initially brought up on appeal.

**Expenditures:**

The Supreme Court will have a minimal fiscal impact to provide judicial education. Judicial workload could be affected but the fiscal impact is indeterminable at this time.

<b>ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY &amp; POLT. SUB. RESPONSE</b>		
<b>LB: 1123</b>	<b>AM:</b>	AGENCY/POLT. SUB: <b>Nebraska Supreme Court (005)</b>
REVIEWED BY: Joe Wilcox	DATE: 02/05/2024	PHONE: (402) 471-4178
COMMENTS: No disagreement with the Supreme Court estimate of Minimal Fiscal Impact to the Agency from LB1123, with No additional resources required.		

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

**2024**

**LB<sup>(1)</sup> 1123**

**FISCAL NOTE**

State Agency OR Political Subdivision Name: <sup>(2)</sup> 05 Supreme Court

Prepared by: <sup>(3)</sup> Eric Asboe Date Prepared: <sup>(4)</sup> 2/4/2024 Phone: <sup>(5)</sup> 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	_____	_____	_____	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
TOTAL FUNDS	=====	=====	=====	=====

Explanation of Estimate:

Minimal fiscal impact to provide judicial education. Any potential impact on judicial workload from an increase in cases cannot be determined at this time. No additional resources required.

**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.....	_____	_____	_____	_____