

FISCAL NOTE

LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES *

	FY 2010-11		FY 2011-12	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	See Below		204,807	
CASH FUNDS	See Below		850	
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS			205,657	

*Does not include any impact on political subdivisions. See narrative for political subdivision estimates.

This bill would change provisions relating to trial by jury. This act becomes operative on January 1, 2011.

The following table uses information from the Supreme Court, as adjusted, to illustrate the estimated fiscal impact of this bill. Following the table is an explanation of the adjustments and the costs:

	FY2010-2011	FY2011-2012	FY2010-2011	FY2011-2012
ITEMS	Number of Positions		Expenditures	
County Court Judge	0.5	1.0	62,675	125,350
Court Stenographer	0.5	1.0	13,901	27,802
Benefits			25,828	51,655
Travel (training and meetings)			3,925	850
Capital Outlay (recording equipment and laptops)			3,900	0
Total	1.0	2.0	110,229	205,657

Explanation of Adjustments: Because the bill is operative on January 1, 2011, only one-half of FY2010-2011 remains. Therefore, the Legislative Fiscal Office analyst (LFO) reduced the Supreme Court's amounts for the judge, stenographer and benefits by one-half. The LFO adjusted travel as follows: left in the \$3,500 for training and reduced the meetings expense of \$850 to \$425. Travel expenses are cash fund expenditures. Capital outlay amounts were left the same since these are one-time costs that will be incurred regardless of whether it is for one-half a year or a full year.

Explanation of Costs: The Supreme Court states the following regarding the costs noted in the above table:

LB 859 expands the types of court cases for which either party can demand a jury trial, including criminal cases with a maximum sentence of six months or more imprisonment arising from city or village ordinances or infractions. This expansion is expected to increase the workload of county courts. It is estimated that at least one additional judge and court stenographer would be needed to handle the anticipated increase in jury trials. Operating expenses would be provided by the county. Cash Fund travel expenses include the cost of required training and meetings. Capital outlay includes recording equipment and a laptop issued to the judge.

If this bill were enacted, the following would probably need to be done:

- This statute would need to be amended to add a new county court judge: 24-503. County judge districts; created; number of judges; membership. Or,
- Funds equivalent to one county court judge appropriated to the Retired Judges' Salaries budget program in the Supreme Court. This alternative assumes that the Supreme Court could find a retired judge(s) to assume the duties required by this bill.

IMPACT ON POLITICAL SUBDIVISIONS: There could be a fiscal impact to cities and villages due to the provisions of this bill.

The following table uses information from the City of Lincoln to show their estimated costs of this bill:

City of Lincoln Estimated Costs:	
Additional overtime costs for police department if misdemeanor crimes are eligible for jury trials	1,539,426
Hiring 3 new prosecutors @ \$55,000 salary each plus benefits; 1 support staff, 1 paralegal @ \$30,000 salary each plus benefits; office equipment and additional office space @ \$16,500.	341,500
TOTAL	1,880,926