

PREPARED BY: Doug Nichols
 DATE PREPARED: January 18, 2011
 PHONE: 471-0052

LB 128

Revision: 00

FISCAL NOTE
 LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES *				
	FY 2011-12		FY 2012-13	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	See Below		See Below	
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS				

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

This bill would change DNA collection provisions. The sample is to be collected by the county sheriff or a probation officer at a detention facility or institution as specified by the court.

The following is from the Supreme Court’s fiscal note response to this bill:

LB 128 could increase General Fund expenditures and Cash Fund expenditures and revenue for the Office of Probation Administration since a probation officer could now be required to collect DNA samples if so specified by the court. LB 128 also gives the court the option of requiring the county sheriff to collect the DNA sample. A specific fiscal impact has not been estimated since the number of times the court will require Probation to collect DNA samples is unknown. However, the following assumptions and maximum impact provide some information:

1. There could be a one-time expense for obtaining DNA samples from a maximum of approximately 1,100 current offenders. On-going, it is estimated that samples could be collected from a maximum of approximately 2,400 offenders annually.
2. General funds would be used for one-time and on-going expenditures and additional personnel, but would not be considered part of the expenses that an offender is required to pay. Expenditures would include:
 - a. Development of collection procedures and protocols and training for all probation officers.
 - b. Modification of Probation’s case management system to track DNA collection.
 - c. Contractual services to collect samples from current offenders assuming this could be delegated to a qualified person.
 - d. Additional personnel if the volume of samples collected approach the maximum estimate of offenders per year.
 - e. Transportation costs since samples are to be collected at a detention facility or institution.
3. Although there is no mechanism in LB 128 to collect or distribute funds from offenders, it is assumed a Cash fund would be created for purchase of DNA collection kits (at \$25/kit) and administrative expenses and revenue from offenders. Probation could recover reasonable expenses, such as mailing DNA samples, at an initial rate of \$5/sample.

Based on the maximum number of offenders that could be sampled by Probation, estimated expenditures could be \$243,800 General and \$105,000 Cash for FY11-12 and \$138,800 General and \$72,000 Cash for FY12-13. Cash fund revenue could be \$105,000 for FY11-12 and \$72,000 for FY12-13.

The State Patrol estimates no fiscal impact.

ENT OF ADMINISTRATIVE SERVICES

REVIEWED BY	Joe Wilcox	1/14/11	PHONE 471-2526
COMMENTS			
STATE PATROL – Concur with agency analysis.			

RECEIVED

JAN 18 2011

LEGISLATIVE FISCAL

2011

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

LB⁽¹⁾ 128 FISCAL NOTE

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

Prepared by: ⁽³⁾ Eric Asboe

Date Prepared: ⁽⁴⁾ 1/17/11

Phone: ⁽⁵⁾ 1-4138

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	FY 2011-2012		FY 2012-2013	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	See Below			
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS				

Return by date specified or 72 hours prior to public hearing, whichever is earlier.

Explanation of Estimate: LB 128 could increase General Fund expenditures and Cash Fund expenditures and revenue for the Office of Probation Administration since a probation officer could now be required to collect DNA samples if so specified by the court. LB 128 also gives the court the option of requiring the county sheriff to collect the DNA sample. A specific fiscal impact has not been estimated since the number of times the court will require Probation to collect DNA samples is unknown. However, the following assumptions and maximum impact provide some information:

- There could be a one-time expense for obtaining DNA samples from a maximum of approximately 1,100 current offenders. On-going, it is estimated that samples could be collected from a maximum of approximately 2,400 offenders annually.
- General funds would be used for one-time and on-going expenditures and additional personnel, but would not be considered part of the expenses that an offender is required to pay. Expenditures would include:
 - Development of collection procedures and protocols and training for all probation officers.
 - Modification of Probation's case management system to track DNA collection.
 - Contractual services to collect samples from current offenders assuming this could be delegated to a qualified person.
 - Additional personnel if the volume of samples collected approach the maximum estimate of offenders per year.
 - Transportation costs since samples are to be collected at a detention facility or institution.
- Although there is no mechanism in LB 128 to collect or distribute funds from offenders, it is assumed a Cash fund would be created for purchase of DNA collection kits (at \$25/kit) and administrative expenses and revenue from offenders. Probation could recover reasonable expenses, such as mailing DNA samples, at an initial rate of \$5/sample.

Based on the maximum number of offenders that could be sampled by Probation, estimated expenditures could be \$243,800 General and \$105,000 Cash for FY11-12 and \$138,800 General and \$72,000 Cash for FY12-13. Cash fund revenue could be \$105,000 for FY11-12 and \$72,000 for FY12-13.

MAJOR OBJECTS OF EXPENDITURE

Personal Services:

POSITION TITLE	NUMBER OF POSITIONS		2011-2012 EXPENDITURES	2012-2013 EXPENDITURES
	11-12	12-13		
Benefits.....				
Operating.....				
Travel.....				
Capital outlay.....				
Aid.....				
Capital improvements.....				
TOTAL.....				