

3/10/11

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

LB 66

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	233,800		138,800	
CASH FUNDS	105,000	105,000	72,000	72,000
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	338,800	105,000	210,800	72,000

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

This bill would change provisions relating to DNA collection. The bill states that if a person is placed on probation, the probation officer shall collect the DNA sample, and if the person only receives a fine, the DNA sample will be collected by the detention facility or institution. Additionally, such facility or institution shall not be held financially responsible for the cost of the DNA sample kit if the court waives the cost of taking a DNA sample.

The Legislative Fiscal Office analyst (LFO) used information from the fiscal note response of the Supreme Court to create the following two tables that show the estimated General and Cash Fund impacts to the Supreme Court from the provisions of this bill:

GENERAL FUND ESTIMATE OF \$233,800 FOR FY11-12 AND \$138,800 FOR FY12-13 INCLUDES:	FY11-12	FY12-13
1. A one-time expenditure of \$25,000 for training Probation officers in the proper methods of DNA collection. This includes the expense of developing collection procedures and protocols and travel expenses to attend training.	25,000	0
2. A one-time expenditure of \$20,000 to modify Probation's case management system to track DNA collection.	20,000	0
3. A one-time expenditure of \$50,000 for a contract to collect samples from current offenders. This is based on the fiscal note response for LB 190, 2010 from the Department of Correctional Services for a contract nurse to collect samples from existing inmates. This also assumes that, although LB 66 states that the sample will be collected by a probation officer, collection could be delegated to another qualified person.	50,000	0
4. On-going expenditures for two additional Probation Officers to collect samples. The average salary and benefits, for the salary range of a Probation Officer, is approximately \$53,800.	107,600	107,600
5. On-going expenditures for a .5 FTE Coordinator to administer the DNA sampling function similar to a current position that coordinates drug testing for Probation. Estimated expenditures for salary and benefits are approximately \$31,200.	31,200	31,200
TOTAL	233,800	138,800

CASH FUND ESTIMATE OF \$105,000 FOR FY11-12 AND \$72,000 FOR FY12-13 INCLUDES:	FY11-12	FY12-13
1. Expenditures and revenue for collection kits of \$87,500 in FY11-12 and \$60,000 each fiscal year thereafter.	87,500	60,000
2. Expenditures and revenue for administrative expenses of \$17,500 in FY11-12 and \$12,000 each fiscal year thereafter.	17,500	12,000
TOTAL	105,000	72,000

See the Supreme Court's fiscal note response for more details.

The State Patrol estimates no fiscal impact.

DEPARTMENT OF ADMINISTRATIVE SERVICES

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

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LEGISLATIVE FISCAL

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

LB⁽¹⁾ 66 FISCAL NOTE

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

Prepared by: ⁽³⁾ Eric Asboe Date Prepared: ⁽⁴⁾ 1/16/11 Phone: ⁽⁵⁾ 1-4138

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2011-2012</u>		<u>FY 2012-2013</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	233800		138,800	
CASH FUNDS	105,000	105,000	72,000	72,000
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	338,800	105,000	210,800	72,000

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

Explanation of Estimate: LB 66 requires that felony and other specified offenders placed on probation have a DNA sample collected by a probation officer at a probation office and that counties would not be financially responsible for the cost of a DNA sample kit if, for example, an offender was declared indigent. As a result, it is estimated that General Fund expenditures and Cash Fund expenditures and revenue would increase.

Assumptions used for determining an estimate:

1. There would be a one-time expense for obtaining DNA samples from approximately 1,100 current offenders. On-going, it is estimated that samples would be collected from approximately 2,400 offenders annually.
2. General funds would be used for one-time expenditures and on-going additional personnel, but would not be considered part of the expenses that an offender is required to pay.
3. Although there is no mechanism in LB 66 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 would recover reasonable expenses, such as mailing DNA samples, at an initial rate of \$5/sample.

General fund estimate of \$233,800 for FY11-12 and \$138,800 for FY12-13 includes:

1. A one-time expenditure of \$25,000 for training Probation officers in the proper methods of DNA collection. This includes the expense of developing collection procedures and protocols and travel expenses to attend training.
2. A one-time expenditure of \$20,000 to modify Probation's case management system to track DNA collection.
3. A one-time expenditure of \$50,000 for a contract to collect samples from current offenders. This is based on the fiscal note response for LB 190, 2010 from the Department of Correctional Services for a contract nurse to collect samples from existing

MAJOR OBJECTS OF EXPENDITURE

Personal Services:

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

Additional Explanation:

inmates. This also assumes that, although LB 66 states that the sample will be collected by a probation officer, collection could be delegated to another qualified person.

4. On-going expenditures for two additional Probation Officers to collect samples. The average salary and benefits, for the salary range of a Probation Officer, is approximately \$53,800.

5. On-going expenditures for a .5 FTE Coordinator to administer the DNA sampling function similar to a current position that coordinates drug testing for Probation. Estimated expenditures for salary and benefits are approximately \$31,200.

Cash fund estimate of \$105,000 for FY11-12 and \$72,000 for FY12-13 includes:

1. Expenditures and revenue for collection kits of \$87,500 in FY11-12 and \$60,000 each fiscal year thereafter.
2. Expenditures and revenue for administrative expenses of \$17,500 in FY11-12 and \$12,000 each fiscal year thereafter.