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PREPARED BY: Doug Nichols
DATE PREPARED: February 16, 2011
PHONE: 471-0052

LB 66

Revision: 01

Updated to include the response of the Lancaster County Corrections Department.

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.

IMPACT ON POLITICAL SUBDIVISIONS: The Lancaster County Corrections Department estimates that this bill will reduce expenditures by up to expenditure \$8,300 per year. Their response follows:

The Lancaster County Corrections Department is currently collecting DNA samples for all felons sentenced to county detention and for those placed on probation as required by Section 29-4106 of the Revised Statutes Cumulative Supplement, 2010. This procedure, which takes approximately 15 minutes to complete, is conducted by department staff of the rank of sergeant. Salary and benefits for this position are an average of \$38 an hour. Additionally, to replace the sergeant conducting the tests, backfill coverage is approximately \$45.00 an hour at overtime rates with benefits included, resulting in a cost of \$20.75 per sampling. The Corrections Department does not currently collect any fees for the sampling, so no revenue is received.

Since the sampling for those on probation began in July 2010, the Corrections Department has sampled 78 probationers, however, there remains a backlog of 550 that require sampling. It is reasonable to expect the Department to conduct at least 350 to 400 samplings during the next fiscal year. This would indicate an annual expenditure of \$7,265 to \$8,300. LB 66 would eliminate this expense for the Corrections Department. The Corrections Department is also responsible for providing DNA sampling for those who are sentenced to the facility. The number of sentenced individuals sampled will be approximately 260 annually. This equates to an on-going expenditure of \$5395 annually.

There is a provision in the current law and this bill that requires the person who is serving a term of probation to pay all costs associated with the collection of the DNA sample. The Corrections Department does not have a method to collect from these individuals. Any collection of fees would incur additional administrative costs to the department. That amount is currently unknown. It is obvious that the most efficient process of collecting DNA samples would require the agency having jurisdiction over the individual to perform the task.

DEPARTMENT OF ADMINISTRATIVE SERVICES

REVIEWED BY	Joe Wilcox		1/14/11	PHONE	471-2526
<p>COMMENTS</p> <p>STATE PATROL – Concur.</p> <p>SUPREME COURT – No basis to dispute General Fund expenditure estimates or potential cash fund expenditure estimates. Cash fund revenue estimates assume the cost charged someone on probation for the cost of the kit also allows for administrative costs to be recovered. The bill provides no specific direction on setting the rate for DNA collection to be paid by probationers, so revenue estimates are speculative.</p> <p>LANCASTER COUNTY – The Lancaster County Dept. of corrections identifies certain cost savings as well as certain on-going cost estimates that would result from LB 66, but only reflects the on-going costs in the table. It would seem appropriate to net the savings against the costs for FY 2011-12 and FY 2012-13.</p>					

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2011

JAN 16 2011

LEGISLATIVE FISCAL

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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

	FY 2011-2012		FY 2012-2013	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
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.
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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.....				

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:

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

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LEGISLATIVE BUDGET

2011

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

LB⁽¹⁾ 66 FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ Lancaster County Corrections Department

Prepared by: ⁽³⁾ Kent Griffith Date Prepared: ⁽⁴⁾ January 21, 2011 Phone: ⁽⁵⁾ 402-441-7141

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	FY 2011-2012		FY 2012-2013	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	\$5395		\$5395	
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	\$5395		\$5395	

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

Explanation of Estimate:

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	11-12	12-13		
Benefits.....				
Operating.....				
Travel.....				
Capital outlay.....				
Aid.....				
Capital improvements.....				
TOTAL.....				