

Am

PREPARED BY: Doug Nichols
DATE PREPARED: January 4, 2012
PHONE: 402-471-0052

FISCAL NOTE

LEGISLATIVE FISCAL ANALYST ESTIMATE

Updated for the 2012 Session. Includes any amendments adopted to-date.

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES *				
	FY 2011-12		FY 2012-13	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS				
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 authorize petitions for recall and resentencing for certain minors sentenced to life imprisonment.

In 2011, the Supreme Court stated that this bill may impact judicial workload but estimated no significant fiscal impact.

The Department of Correctional Services (DCS) has informed the Legislative Fiscal Office that they have no change in their 2011 response to this bill. In 2011, DCS stated that there may be a savings to them, but at this time the fiscal impact is not determinable. Their response follows:

LB202 would allow persons who were sentenced to life imprisonment, who were under 18 years of age at the time of the crime, who were sentenced for murder in the 1st or 2nd degree, and have served at least 25 years of the sentence, to submit a petition for recall and resentencing. Persons who have served 20 or more years but not more than 25 years as of January 1, 2012 shall not be permitted to submit a petition until they have served 25 years. Persons who have served 15 or more years but less than 25 years shall be permitted to submit a petition as follows:

- If entered custody before July 1, 1994 may submit a petition in 2012
- If entered custody between July 1, 1994 but before January 1, 1995 may submit a petition in 2013
- If entered custody on or after January 1, 1995, but prior to July 1, 1995 may submit a petition in 2014
- If entered custody between July 1, 1995 but before January 1, 1997 may submit a petition in 2015.

DCS currently has 30 individuals incarcerated who were admitted at age 18 or less, serving life sentences for murder. Six of the individuals were admitted in the 1970s; five were admitted in the 1980s; eight were admitted in the 1990s; three were admitted in the 2000s; and two have been admitted in the 2010s.

It is unknown how many individuals would be successful in their petitions, and also not known how the sentences might be re-structured, therefore a fiscal impact is not determinable. However, if any of the sentences were changed to a specific minimum number of years, it is possible some of these individuals would be paroled. If the maximum term were changed to a specific number of years, the individuals would be released upon completion of their sentence (1/2 of the maximum term, if good time not lost). There would be savings to the Nebraska Department of Correctional Services.

The FY10 per diem (cost per day of feeding, clothing, housing, medical, etc) for an individual inmate was \$15.41 per day or \$5,625/yr.