

Doug Nichols March 1, 2011 471-0052

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					
CASH FUNDS					
FEDERAL FUNDS					
OTHER FUNDS					
TOTAL FUNDS					

This bill would change a penalty from death to life imprisonment without possibility of parole and change other penalties as prescribed.

The Attorney General estimates no fiscal impact from the provisions of this bill.

The Nebraska Department of Correctional Services states that the fiscal impact cannot be determined and their response follows:

- I. The bill changes the penalty for a Class I felony from Death to Life Imprisonment without Possibility of Parole.
- 2. The bill also changes the penalty for a Class IA felony from life imprisonment without parole to life imprisonment.

The bill also provides that in any criminal proceeding in which the dealt penalty has been imposed but not carried out prior to the effective date of this act, it is the intention, will, and sense of the Legislature that such penalty be changed to life imprisonment without possibility of parole.

The Nebraska Department of Correctional Services (NDCS) had two individuals sentenced in 2008 for a Class I felony, and none in 2009 or 2010.

NDCS had five individuals sentenced in 2008 for a Class IA felony; and six each in 2009 & 2010.

The impact on NDCS related to future admissions is not determinable, but is assumed to be fairly minimal savings, based on the three previous years' historical information.

The impact to NDCS of changing current death sentences to life imprisonment without parole cannot be determined, since it is unclear how such death penalty will be changed.

NDCS current inmate population is 4,599 (1/18/2011 Tuesday Count)
The FY10 per diem (cost per day of feeding, clothing, housing, medical, etc) for an individual inmate was \$5,625/yr.

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REVIEWED BY	Joe Wilcox		1/20/11	PHONE 471-2526
COMMENTS				
ATTORNEY GENERAL – No basis to	dispute agency analysis	S.		
CORRECTIONAL SERVICES - No ba	asis to dispute agency a	nalysis.		

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

FISCAL NOTE LB276 Attorney General

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Prepared By	Freudenberg, John
Date Prepared	1/19/2011
Prepared Phone	402-471-2687
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Estimate Provided By State Agency or Political Subdivision

	FY 2011-2012		FY 2012-2013	
	Expenditures	Revenue	Expenditures	Revenue
General Funds	0		0	
Cash Funds				
Federal Funds		,		
Other Funds				
Total Funds	0		0	

Explanation of Estimate:

No Fiscal Impact.

Major Objects of Expenditure

	IV:	ajor Objects of Experioru		
••••	Number	r of Positions	FY 2011-2012	FY 2012-2013
Position Title	FY 2011-2012	FY 2012-2013	Expenditures	Expenditures
		Benefits		
		Operating		
		Travel		
		Capital outlay		
		Aid		
		Capital improvements		
		Total		

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LEGISLATIVE

LB 276 FISCAL	NOTE		THE PARTY OF SERVICE	4 4 4
State Agency OR Political	Subdivision Name: (2) $\underline{\Gamma}$	DEPARTMENT OF C	CORRECTIONAL SEE	RVICES
Prepared by: (3) Kate Mo	orris	_ Date Prepar	red: (4) 2/11/2011 Ph	one: (5) 479-5702
ESTI	MATE PROVIDED BY S	TATE AGENCY OR	POLITICAL SUBDIV	ISION
	FY 2011-20	012		FY 2012-2013
	EXPENDITURES	REVENUE	EXPENDITUR	RES REVENUE
GENERAL FUNDS	not determinable			
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS				
Return by date specified or 72 hou Explanation of Estimate: I. The bill changes the Parole.	·		n to Life Imprisonme	ent without Possibility of
2. The bill also chan imprisonment.	ges the penalty for a	Class IA felony fr	om life imprisonme	nt without parole to life
The bill also provides t carried out prior to the such penalty be chang	effective date of this ad	ct, it is the intention	, will, and sense of	
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The impact on NDCS r savings, based on the				ed to be fairly minimal
The impact to NDCS o determined, since it is				out parole cannot be
. DCS current inmate p The FY10 per diem (c \$5,625/yr.				n individual inmate was
	MAJOR O	BJECTS OF EXPEN	DITURE	
PersonalServices:		The state of the s	2011 2012	2012 2012
POSITION		UMBER OF POSITIONS 11 <u>-12</u> 12 <u>-13</u>	2011 -2012 EXPENDITURES	2012-2013 EXPENDITURES

Benefits		
Operating		
Travel		
Capital outlay	4	
Aid		
Other		
Capital improvements		
TOTAL		

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