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PREPARED BY: Doug Nichols  
DATE PREPARED: March 1, 2011  
PHONE: 471-0052

**LB 276**

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				

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

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:

1. 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.

DEPARTMENT OF ADMINISTRATIVE SERVICES

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



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

**LB 276 FISCAL NOTE**

State Agency OR Political Subdivision Name: (2) DEPARTMENT OF CORRECTIONAL SERVICES

Prepared by: (3) Kate Morris Date Prepared: (4) 2/11/2011 Phone: (5) 479-5702

**ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION**

	FY 2011-2012		FY 2012-2013	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	not determinable	_____	_____	_____
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:

1. The bill changes the penalty for a Class I felony from Death to Life Imprisonment without Possibility of Parole.
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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		
_____	_____	_____	_____	_____

<b>Benefits</b> .....				
<b>Operating</b> .....				
<b>Travel</b> .....				
<b>Capital outlay</b> .....				
<b>Aid</b> .....				
<b>Other</b> .....				
<b>Capital improvements</b> .....				
<b>TOTAL</b> .....				