Doug Nichols January 31, 2011 471-0052

LB 677

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 provide criminal penalties for assault on a health care provider in the first, second, and third degrees.

This bill is estimated to have a minimal impact on the Department of Correctional Services (DCS), and their response follows:

LB 677 provides for longer minimum sentences for persons convicted of assault on a health care provider. The bill includes provisions that:

- 1) A person who is convicted of assault in the 1st degree (Class II felony 1-50 yrs imprisonment) on a health care provider shall be sentenced to not less than two years imprisonment.
- 2) A person who is convicted of assault in the 2nd degree (Class III felony- 1-20 year's imprisonment) on a health care provider shall be sentenced to not less than one year's imprisonment.
- 3) A person who is convicted of assault in the 3rd degree (Class I misdemeanor 0-1 yr imprisonment), on a health care provider shall be sentenced to not less than six months imprisonment.

There were 32 individuals in 2009 and 47 individuals in 2010 admitted to the Nebraska Department of Correctional Services (NDCS) for 1st degree assault. Only 8 of these 79 individuals (10%) had minimum sentences less than two years. Increasing the minimum for this offense could increase costs to the NDCS. The impact is not determinable, but is assumed to be minimal.

The minimum sentence for assault in the 2nd degree on a health care worker is the minimum sentence for a Class III felony; therefore there would be no impact of this provision on NDCS.

DCS 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 DATE 1/31/11 PHONE 471-2526
COMMENTS

DEPARTMENT OF CORRECTIONAL SERVICES: No basis to dispute agency analysis for the DCS.

RECEIVED.

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LB 677 FISCAL NOTE

Prepared by: (3) Kate Morris		Date Prepared	d: (4) 1/31/2011	1/31/2011 Phone: (5) 479-5702	
ESTIMATE PROVIDED BY ST FY 2011-201				FY 2012-2013	
	EXPENDITURES	REVENUE	EXPENDITURE	<u>REVENUE</u>	
GENERAL FUNDS	not determinable				
CASH FUNDS					
FEDERAL FUNDS					
OTHER FUNDS					
TOTAL FUNDS					
Return by date specified or 72 h Explanation of Estimate:	ours prior to public hearing, which	chever is earlier.			
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Operating	 -
Travel	 -
Capital outlay	 -
Aid	 ·
Other	
Capital improvements	
TOTAL	