

FISCAL NOTE

LEGISLATIVE FISCAL ANALYST ESTIMATE

Updated to include additional responses.

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)				
	FY 2014-15		FY 2015-16	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	See Below			
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS				

Any Fiscal Notes received from state agencies and political subdivisions are attached following the Legislative Fiscal Analyst Estimate.

This bill would provide for supervised release, reentry probation officers, create the Nebraska Center for Justice Research, and change presentence investigations and good time provisions. The bill states that it is the intent of the Legislature to appropriate one million dollars per year to the Nebraska Center for Justice Research to carry out its duties under this act and any additional tasks assigned to it by the Executive Board of the Legislature. It outright repeals section 29-2208 Sentence to imprisonment in the county jail; hard labor; bread and water, and section 29-2405 Imprisonment for fine and costs; hard labor.

The impact to the University of Nebraska is summarized in the following table:

	FY2014-15	FY2015-16	FY2014-15	FY2015-16
ITEMS	Number of Positions		Expenditures	
Director	1.00	1.00	95,000	95,000
Research Professor	1.00	1.00	85,000	85,000
Accountant	1.00	1.00	50,000	50,000
Project Coordinator	1.00	1.00	40,000	40,000
Program Coordinator	0.50	0.50	26,000	26,000
Graduate Assistants	1.66	1.66	87,000	87,000
Medical Investigators	2.20	2.20	306,000	306,000
IT Support	0.10	0.10	7,700	7,700
Administrative Staff	0.15	0.15	9,300	9,300
Benefits			211,800	211,800
Operating			51,200	51,200
Travel			14,000	14,000
Capital Outlay			10,500	10,500
Aid			6,500	6,500
TOTAL	8.61	8.61	1,000,000	1,000,000

The University of Nebraska’s response shows “Aid” only in FY2014-15, but the University of Nebraska indicated that the same amount should also be in FY2015-16.

The Board of Parole estimates no fiscal impact from this bill.

Douglas County estimates a \$1.3 million cost to them due to additional presentence investigations. See their response for details.

The Nebraska Association of County Officials (NACO) states that the fiscal impact is indeterminate at this time. Counties provide space for Probation staff and this bill could require counties to provide additional space for new Probation staff. This would result in increased costs to impacted counties.

Lancaster County Department of Corrections estimates additional costs of \$45,000 in FY2014-15 and \$46,350 in FY2015-16 for housing inmates under this bill. The county also notes potential additional costs for space for additional probation officers.

The following table summarizes the impact to the Department of Correctional Services (DCS):

ITEMS	FY2014-15	FY2015-16	FY2014-15	FY2015-16
	Number of Positions		Expenditures	
Corrections Program Coordinator	1	1	52,370	52,370
IT Business Systems Analyst	1	1	44,560	44,560
Parole Officer	1	1	34,780	34,780
Benefits			39,520	39,520
Data management system upgrade			140,000	0
Risk and needs assessment cost			17,470	17,470
Sentence calculation system upgrade			75,000	0
Additional per diem costs			70,642	295,412
TOTAL	3	3	474,342	484,112

Please see the response of DCS for additional details.

The following table summarizes the impact to the Supreme Court:

ITEMS	FY2014-15	FY2015-16	FY2014-15	FY2015-16
	Number of Positions		Expenditures	
Reporting Center Staff	18.75	85.00	668,154	3,655,251
Reentry Officers	6.25	10.00	325,000	533,000
Probation Staff	15.75	25.00	550,625	903,025
District Court Judge & Court Reporter	2.00	4.00	203,375	424,344
Administrative Staff	11.25	15.00	627,570	857,679
Benefits			1,533,263	3,997,662
Operating			6,166,358	13,603,216
Travel			40,665	221,280
Capital Outlay			256,500	826,000
TOTAL	54.00	139.00	10,371,510	25,021,457
By Fund Source:				
General Fund			9,359,178	23,611,427
Cash Fund			1,012,332	1,410,030
TOTAL			10,371,510	25,021,457

The Supreme Court notes that the amounts in the above table do not include providing handguns to reentry probation officers. This is estimated to cost an additional \$1.2 million for training, staff, and equipment.

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

2014

LB⁽¹⁾ 907

FISCAL
NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ Nebraska Department of Correctional Services

Prepared by: ⁽³⁾ Christina Peters Date Prepared: ⁽⁴⁾ 1/29/2014 Phone: ⁽⁵⁾ (402) 479-5702

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2014-15</u>		<u>FY 2015-16</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	<u>474,342</u>	<u> </u>	<u>484,112</u>	<u> </u>
CASH FUNDS	<u> </u>	<u> </u>	<u> </u>	<u> </u>
FEDERAL FUNDS	<u> </u>	<u> </u>	<u> </u>	<u> </u>
OTHER FUNDS	<u> </u>	<u> </u>	<u> </u>	<u> </u>
TOTAL FUNDS	<u>474,342</u>	<u> </u>	<u>484,112</u>	<u> </u>

Explanation of Estimate:

This bill provides for imposing and managing a period of supervised release, as sentenced by the courts. Such a sentence would run concurrently with any period of parole the inmate would be granted. Adult Parole Administration would be required to report annually to the Executive, Legislative, and Judiciary branches of State Government on the implementation of evidence-based practices to reduce recidivism.

Comprehensive reporting of efforts to implement evidence-based practices would require significant enhancements to the data management system, and additional staffing to meet this requirement. Currently, basic demographic information (address, employer, etc.) of each parolee is centralized. Individual Parole Officers maintain information on programming participation for those parolees included in their caseload. In order to centralize this information for aggregate and automated reporting, an estimated \$140,000 would be needed to update the data system.

The language in the bill indicates all incarcerated offenders are to take a risk and needs assessment within 90 days of their first parole eligibility date. To comply, NDCS would expand the use of the LSCMI, which is already widely used by Probation and NDCS on a limited base. The cost per assessment is \$10, and it is estimated that additional interviewing would need to be done for 1,747 inmates a year at a cost of \$17,470. One additional staff member would be required to administer this assessment. Department Parole Officers are trained and annually updated on the assessment and interview requirements.

The bill provides that incarcerated offenders who receive a new conviction while in prison would not receive good time for that offense. This would require changes to the data system for sentence calculation at an estimated cost of \$75,000.

The bill further provides that inmates in administrative confinement or segregation would not earn good time. Current law provides all good time at the beginning of the offender's sentence. Therefore, the good time during the offender's time in segregation would be forfeited. Assuming the amount of good time lost is equal to the number of days in segregation, the table below indicates the impact of this portion of the bill on prison capacity:

FY	Additional Inmates	Inmates x \$6,422 per diem
2014-2015	11	\$70,642
2015-2016	46	\$295,412
2016-2017	80	\$513,760
2017-2018	90	\$577,980
2018-2019	113	\$725,686
2019-2020	125	\$802,750
2020-2021	129	\$828,438
2021-2022	136	\$873,392
2022-2023	140	\$899,080
2023-2024	153	\$982,566
2024-2025	155	\$995,410
2025-2026	158	\$1,014,676

While it cannot be predicted how often judges will impose a period of community supervision as a part of their sentencing decisions, it can be assumed that the revocation rates for these offenders would be similar to current Parole rates. The average length of parole is 8 months, and in 2013 the revocation rate for people released onto parole was 36%. If community supervision is to last from 1 – 3 years, it is expected that a similar rate of return would apply.

The recidivism rate for inmates discharged from parole during FY2010 was 13% (returned to prison within 3 years). The rate for inmates discharged from prison during FY2010 was 20%.

An analysis of probation data shows that 25% of all probation discharges during FY2011 were the result of revocations or unsatisfactory completions.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

POSITION TITLE	NUMBER OF POSITIONS		2014-15	2015-16
	14-15	15-16	EXPENDITURES	EXPENDITURES
Corrections Program Coordinator	1	1	52,370	52,370
IT Business Systems Analyst	1	1	44,560	44,560
Parole Officer	1	1	34,780	34,780
Benefits.....			39,520	39,520
Operating.....			303,112	312,882
Travel.....				
Capital outlay.....				
Aid.....				
Capital improvements.....				
TOTAL.....			474,342	484,112

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

2014

LB⁽¹⁾ 907

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ 05 Supreme Court

Prepared by: ⁽³⁾ Eric Asboe

Date Prepared: ⁽⁴⁾ 2/5/14

Phone: ⁽⁵⁾ 1-4138

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2014-15</u>		<u>FY 2015-16</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	<u>9,359,178</u>	<u> </u>	<u>23,611,427</u>	<u> </u>
CASH FUNDS	<u>1,012,332</u>	<u> </u>	<u>1,410,030</u>	<u>31,500</u>
FEDERAL FUNDS	<u> </u>	<u> </u>	<u> </u>	<u> </u>
OTHER FUNDS	<u> </u>	<u> </u>	<u> </u>	<u> </u>
TOTAL FUNDS	<u>10,371,510</u>	<u> </u>	<u>25,021,457</u>	<u>31,500</u>

Explanation of Estimate:

The specific provisions of LB 907 that generate a fiscal impact for the Supreme Court are:

1. The provisions regarding presentence investigations and risk/needs assessments.
2. The creation of a Reentry probation officer position and the associated court impact.
3. The establishment of new sentencing options and associated probation officers, court hearings and supervision requirements such as global positioning system monitoring. It is also estimated that this will result, beginning in FY15-16, in a small increase in probation fees collected from supervised individuals.
4. The creation of additional reporting centers and expansion of all reporting centers. For purposes of this fiscal note it is assumed that 5 new reporting centers will be established in FY14-15. Expansion of all reporting centers would occur in FY15-16, based on approval of the plan required in Sec. 14. Note: the requirement that reporting centers will be funded by the State will reduce expenditures for certain counties that currently fund a portion of reporting center expenses.
5. The provision for mental health services for all probationers and supervised individuals.

Note: the fiscal impact of providing handguns to reentry probation officers is not included in the total since it is not a requirement. However, the estimated annual cost is approximately \$1.2 million for all training, staff and equipment.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2014-15</u>	<u>2015-16</u>
	<u>14-15</u>	<u>15-16</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
Reporting Center Staff	<u>18.75</u>	<u>85.00</u>	<u>668,154</u>	<u>3,655,251</u>
Reentry Officers	<u>6.25</u>	<u>10.00</u>	<u>325,000</u>	<u>533,000</u>
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District Court Judge & Court Reporter	<u>2.00</u>	<u>4.00</u>	<u>203,375</u>	<u>424,344</u>
Administrative Staff	<u>11.25</u>	<u>15.00</u>	<u>627,570</u>	<u>857,679</u>
Benefits.....			<u>1,533,263</u>	<u>3,997,662</u>
Operating.....			<u>6,166,358</u>	<u>13,603,216</u>
Travel.....			<u>40,665</u>	<u>221,280</u>
Capital outlay.....			<u>256,500</u>	<u>826,000</u>
Aid.....			<u> </u>	<u> </u>
Capital improvements.....			<u> </u>	<u> </u>
TOTAL.....	<u>54.00</u>	<u>139.00</u>	<u>10,371,510</u>	<u>25,021,457</u>