

FISCAL NOTE
LEGISLATIVE FISCAL ANALYST ESTIMATE

Updated for response received by the Department of Correctional Services.

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)				
	FY 2015-16		FY 2016-17	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	(119,351)		(350,069)	
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	(119,351)		(350,069)	

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

This bill would change habitual criminal provisions. The bill changes this provision so it applies to a conviction of an additional violent crime, instead of just another felony. Violent crime is defined in the bill. The amendment adopted would add provisions of LB172, which would eliminate certain mandatory minimum penalties.

This bill could reduce the state prison inmate population because it reduces the number of offenses under which the habitual criminal provisions would apply. Eliminating mandatory minimum penalties could also reduce the state prison inmate population because inmates would not have to serve a mandatory minimum sentence before being able to earn good time. This could result in offenders be paroled or released earlier.

The Department of Correctional Services (DCS) states that this amended bill would result in a decrease in admissions to prison and a decrease in the expected length of stay in prison. DCS estimates the bill could save approximately \$119,351 in FY2016 and approximately \$350,069 in FY2017. See their response for additional details.

The FY14 per diem for an individual inmate was \$7,124 per year. This is the cost for food, medical care, inmate wages, clothing, cleaning supplies, food service supplies, cell and dorm supplies, other supplies, and transportation.

As of March 31, 2015, the inmate prison population was 159% of design capacity. On March 31, 2014, the inmate prison population was almost 155% of design capacity.

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2015

LB⁽¹⁾ 173 AM 472

FISCAL NOTE

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

Prepared by: ⁽³⁾ Chris Peters Date Prepared: ⁽⁴⁾ 3/2/2015 Phone: ⁽⁵⁾ (402) 479-5702

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2015-16</u>		<u>FY 2016-17</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	<u>(119,351)</u>	<u> </u>	<u>(350,069)</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>(119,351)</u>	<u> </u>	<u>(350,069)</u>	<u> </u>

Explanation of Estimate:

AM 472 amends the provisions of LB 172 relating to the elimination of mandatory minimum penalties for Class IC and ID felonies in LB 173.

The bill, as amended, proposes to eliminate the 5 year mandatory minimum for Class IC felonies and the 3 year mandatory minimum from Class ID felonies. These proposed changes would have a negligible impact on NDCS admissions but will impact the length of stay for certain offenders and the Department’s average daily population. Eliminating mandatory minimums from Class IC and ID felonies, will reduce NDCS’s average daily population because it allows inmates to begin accruing good time credits in accordance with N.R.S. §83-1,107 upon admission, rather than after first serving the mandatory minimum portion of their sentence. AM 472 affects the parole eligibility of inmates convicted of Class IC and ID felonies as they would be eligible for parole after serving half of their minimum term rather than having to serve the entire mandatory minimum prior to parole eligibility. Data from inmates convicted of Class 1C and/or Class 1D felonies between FY2010 and FY2014 suggest that the changes in LB173 would enable inmates to reach their parole eligibility dates and tentative release dates approximately 2.3 years sooner than under the current sentencing scheme.

LB173 also proposes amending N.R.S. §29-2221 to limit the habitual criminal penalty enhancement to individuals convicted of a violent offense who have served at least two prior prison terms for violent offenses. This bill also removes the mandatory minimum penalty from the habitual criminal penalty enhancement. These proposed changes narrow the pool of offenders eligible to be deemed a habitual criminal and allow inmates to begin accruing good time credits in accordance with N.R.S. §83-1,107 upon admission, rather than after first serving the current 10 or 25 year mandatory minimum for the habitual felon enhancement. During FY2014, only three newly admitted inmates met the new violent offense criteria outlined in LB173. In contrast, 22 habitual criminals were admitted in FY2014 under the existing definition.

LB 173 as amended by AM 472 would result in a decrease in admissions, coupled with the decrease in expected length of stay, and is predicted to save approximately \$119,351 in FY2016 and approximately \$350,069 in FY2017.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2015-16 EXPENDITURES</u>	<u>2016-17 EXPENDITURES</u>
	<u>15-16</u>	<u>16-17</u>		
Benefits.....	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Operating.....	<u> </u>	<u> </u>	<u>(119,351)</u>	<u>(350,069)</u>
Travel.....	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Capital outlay.....	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Aid.....	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Capital improvements.....	<u> </u>	<u> </u>	<u> </u>	<u> </u>
TOTAL.....	<u> </u>	<u> </u>	<u>(119,351)</u>	<u>(350,069)</u>