

FISCAL NOTE
LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)				
	FY 2017-18		FY 2018-19	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS				
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 change provisions and penalties relating to pandering, human trafficking, labor trafficking, and sex trafficking and prohibit solicitation of a trafficking victim.

The Department of Correctional Services (NDCS) states that the proposed penalty increases in this bill would likely affect the prison population because they would increase the maximum allowable sentence, but NDCS notes that such increases would not be seen prior to FY2020. See the agency response attached for additional details not included in this fiscal note.

As of July-September 2016, the state prison population was 156.72% of design capacity. In July-September 2015, the state prison population was 156.47% of design capacity. Additionally, the Department of Correctional Services (DCS) contracts with some counties to temporarily house prison inmates. If those inmates are included in the state prison population numbers, then the July-September 2016 prison population would be 162.72% of design capacity.

For informational purposes, the Department of Correctional Services (NDCS) estimates the cost per offender (All facilities including Parole) at \$31,271 for FY16. This cost represents an average cost of all General, Cash, and Federal expenditures excluding aid, depreciation, and Capital Construction expenditures. For every inmate, NDCS incurs per diem costs. This is the cost for food, medical care, inmate wages, clothing, cleaning supplies, food service supplies, cell and dorm supplies, other inmate related supplies, laundry, inmate property, miscellaneous contractual services, and inmate transportation. The FY16 per diem cost for an individual inmate was \$9,484 per year.

The Attorney General estimates no fiscal impact from this bill.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSES		
LB: 289	AM:	AGENCY/POLT. SUB: Nebraska Department of Correctional Services (46)
REVIEWED BY: Joe Wilcox	DATE: 2/21/2017	PHONE: (402) 471-4178
COMMENTS: No Basis to dispute the Nebraska Department of Correctional Services estimate of No Fiscal Impact to the Agency in the 2017 – 2019 Biennium from LB 289.		

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

2017

LB⁽¹⁾ 289

FISCAL NOTE

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

Prepared by: (3) Sara Sump Date Prepared: (4) 1/17/17 Phone: (5) 402.479.5702

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2017-18</u>		<u>FY 2018-19</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</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><u>0</u></u>	<u><u>0</u></u>	<u><u>0</u></u>	<u><u>0</u></u>

Explanation of Estimate:

LB 289 increases the penalty for pandering from a class III to a class II felony and increases the penalty for sex or labor trafficking of a minor from a class II to a class IC felony or a class IB if the victim is under 16 years of age. LB 289 also creates the offense of solicitation of a trafficking victim, punishable as a class II felony.

Between FY2012 and FY2016, people convicted of pandering and sex trafficking of minors have made up 0.1% of all new admission (n=1.4) and have contributed to 0.1% of the average daily population (ADP) (n=4). Based on current trends, we should expect to see one new admission attributable to at least one of these offenses during FY2018 and FY2019. As of January 17, 2017, no one has been sentenced to NDCS for labor trafficking, nor for trafficking someone 18 years of age or older for sex. Given historical trends, the proposed changes in LB289 (2017) related to these offenses will have no foreseeable affect the NDCS population.

The proposed penalty increases in this bill would likely affect the ADP because they would increase the maximum allowable sentence. These ADP increases, however, would not be seen prior to FY2020. The only way this bill would affect the NDCS population sooner is if someone previously eligible for a Class 3 or 3A penalty were convicted of an offense and received an indeterminate sentence with a minimum of less than four years. That sentence would make the person eligible for parole within the next two fiscal years, and their release could help lower the NDCS population. Given the historical trends in sentencing and the severity of these crimes, such sentences are unlikely. As a result, NDCS estimates no fiscal impact from LB 289 during the current biennium.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2017-18 EXPENDITURES</u>	<u>2018-19 EXPENDITURES</u>
	<u>17-18</u>	<u>18-19</u>		
<u>Benefits.....</u>	<u></u>	<u></u>	<u></u>	<u></u>
<u>Operating.....</u>	<u></u>	<u></u>	<u></u>	<u></u>
<u>Travel.....</u>	<u></u>	<u></u>	<u></u>	<u></u>
<u>Capital outlay.....</u>	<u></u>	<u></u>	<u></u>	<u></u>
<u>Aid.....</u>	<u></u>	<u></u>	<u></u>	<u></u>
<u>Capital improvements.....</u>	<u></u>	<u></u>	<u></u>	<u></u>
<u>TOTAL.....</u>	<u></u>	<u></u>	<u>0</u>	<u>0</u>

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

2017

LB⁽¹⁾ 289

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ Attorney General

Prepared by: ⁽³⁾ Josh Shasserre Date Prepared: ⁽⁴⁾ 1-19-17 Phone: ⁽⁵⁾ 471-2687

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2017-18</u>		<u>FY 2018-19</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	_____	_____	_____	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
TOTAL FUNDS	=====	=====	=====	=====

Explanation of Estimate:

No Fiscal Impact.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2017-18 EXPENDITURES</u>	<u>2018-19 EXPENDITURES</u>
	<u>17-18</u>	<u>18-19</u>		
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____