

FISCAL NOTE

LEGISLATIVE FISCAL ANALYST ESTIMATE

Updated for amendments adopted through March 26, 2018.

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)				
	FY 2018-19		FY 2019-20	
	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, as amended by AM2512, would provide requirements for inmate access to telephone or videoconferencing systems in county and city jails. The officer in charge of any municipal prison or jail who fails to comply with the provisions of this bill that apply to city jails shall be guilty of a Class V misdemeanor.

The Crime Commission estimates no fiscal impact from this bill, as amended by AM2512.

The Douglas County Department of Corrections states that the Final Reading version of the bill has the potential to lessen their original estimated impact. See their attached response, which also includes their original fiscal note.

The Lancaster County Department of Corrections states in their April 11, 2018, response that the bill, as amended, does not affect their previously submitted fiscal note. In their previous fiscal note response, they stated that enacting this bill would impact a revenue stream currently used to fund various inmate programs. They estimate they would have to eliminate those programs or seek property tax funds to retain those inmate programs. See their January 5, 2018, response attached for a detailed listing of the various inmate programs.

Any fines assessed pursuant to convictions will accrue to the county where the violation occurs to be used for the support of public schools. This amount is not known at this time.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE			
LB: 776	AM: 2512	AGENCY/POLT. SUB: Nebraska Commission on Law Enforcement and Criminal Justice (078)	
REVIEWED BY: Joe Wilcox	DATE: 03/23/2018	PHONE: (402) 471-4178	
COMMENTS: No basis to dispute the Nebraska Commission on Law Enforcement and Criminal Justice (Crime Commission) estimate No Fiscal Impact to the Agency from AM 2512 to LB 776.			

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE			
LB: 776	AM: 2512	AGENCY/POLT. SUB: Lancaster County Department of Corrections	
REVIEWED BY: Joe Wilcox	DATE: 04/11/2018	PHONE: (402) 471-4178	
COMMENTS: No basis to dispute the Lancaster County Department of Corrections estimate of No change in Fiscal Impact to the County from AM 2512 to LB 776.			

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
LB: 776	AM:	AGENCY/POLT. SUB: Lancaster County Department of Corrections
REVIEWED BY: Joe Wilcox	DATE: 01/16/2018	PHONE: (402) 471-4178
COMMENTS: No basis to dispute the Lancaster County Department of Corrections estimate of potential but Undetermined Fiscal Impact to the County from LB 776.		

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

2018

LB⁽¹⁾ 776, AM 2512

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ NE Comm On Law Enforcement (Crime Commission)

Prepared by: ⁽³⁾ Bruce Ayers Date Prepared: ⁽⁴⁾ 3-22-2018 Phone: ⁽⁵⁾ 471-0359

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2018-19</u>		<u>FY 2019-20</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: LB 776, as amended by AM 2512, has no fiscal impact on the Crime Commission.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2018-19</u>	<u>2019-20</u>
	<u>18-19</u>	<u>19-20</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____

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

2018

LB⁽¹⁾ **776 / FINAL READING VERS** *Change provisions relating to powers and duties of the Jail Standards Board and provide requirements for inmate access to telephone or videoconferencing systems in county and city jails*

FISCAL NOTE

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

Prepared by: ⁽³⁾ Mark Foxall, Ph.D., Director Date Prepared: ⁽⁴⁾ 01/17/2018 Phone: ⁽⁵⁾ (402) 599-2316
03/21/2018
04/11/2018

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2018-19</u>		<u>FY 2019-20</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	_____	_____	_____	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	<u>(-\$616,000)</u>	_____	<u>(-\$616,000)</u>
TOTAL FUNDS	<u>_____</u>	<u>(-\$616,000)</u>	<u>_____</u>	<u>(-\$616,000)</u>

Explanation of Estimate:

Final reading version of LB776 has the potential to lessen Douglas County's original 1/17 estimated fiscal impact. The revised/final language prohibits 'excessive commissions' to Counties from phone service providers. However, significant concerns continue to remain with the subjectivity, interpretation and applicability of the bill to Douglas County.

Original fiscal note ("introduced version LB776") shown below:

If LB 776 (introduced version) is passed, Douglas County would realize a loss of approximately \$616,000 in revenue that is currently utilized to pay for reentry programs at an annual cost of \$770,000. Without a funding source to pay for reentry programs, they would no longer be offered to the inmate population.

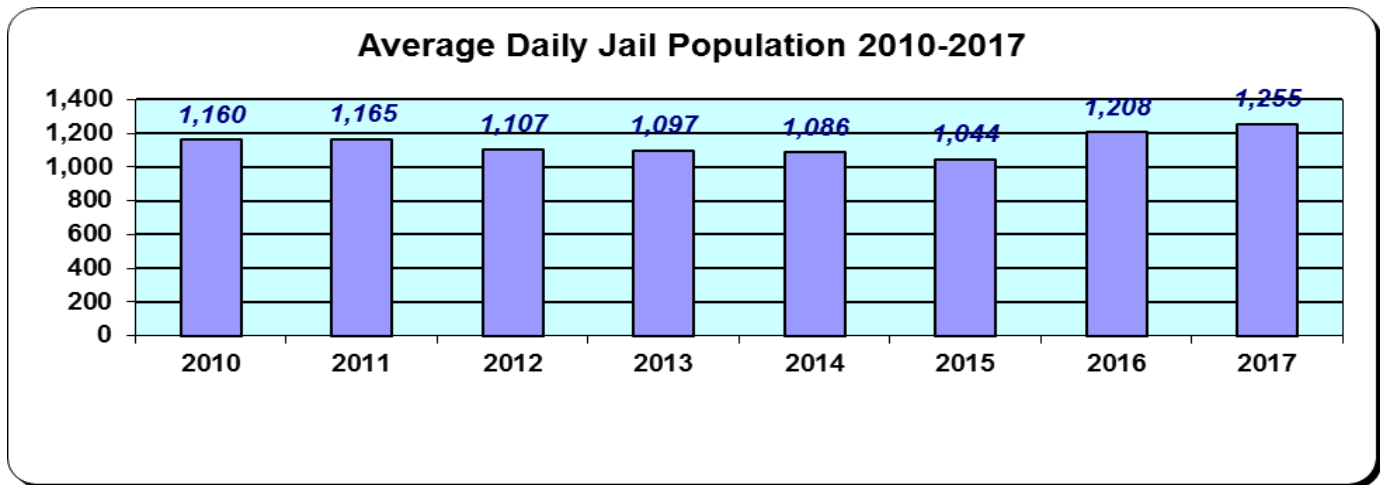
The Douglas County Department of Corrections (DCDC) is the largest correctional facility in the state of Nebraska. Moreover, we are the largest mental health facility in the state as well. Last year, the average daily population (ADP) was 1,251 inmates. This was the highest annual ADP in the history of the DCDC, which follows an increase in 2016 and reverses a downward trend in our population that began after the 2010 calendar year. On 16 January 2018, we had 1,272 inmates in custody.

Individuals in our facility made approximately 1.6 million telephone calls in 2017. The funds realized from these calls were not directed to the Douglas County General Fund. Rather, these funds were utilized to support reentry programs that prepare offenders for a successful return to the community. Examples of the programs that are supported by the aforementioned funds include, but are not limited to, GED supplies and testing materials, life skills training, literacy education, victim impact classes, job readiness classes, cognitive behavioral classes, supplies for the indigent during incarceration and upon release and self-help video programs.

Given the short-term nature of incarceration, which is characteristic of a jail, our ability to address the criminogenic needs of the offender through the use of evidence based reentry programs serves an irrefutable role in safeguarding the community to which the offender returns. Diminishing DCDC's ability to provide these reentry programs will have the likely effect of increasing recidivism and further exacerbate our increasing jail population and attendant collateral issues. Moreover, inasmuch as approximately 35% of the Nebraska Department of Correctional Services' (NDCS) population comes from Douglas County, an inability to provide effective reentry programs is likely

to increase the level of recidivism that ultimately results in incarceration in a state facility.

These funds and the programs they support are critical to the positive influence on the lives of incarcerated offenders returning to the community. More importantly, these programs reduce the likelihood of further criminal offending which results in victimization and recidivism and have a direct impact on public safety.



BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2018-19 EXPENDITURES</u>	<u>2019-20 EXPENDITURES</u>
	<u>18-19</u>	<u>19-20</u>		
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits	_____	_____	_____	_____
Operating	_____	_____	_____	_____
Travel	_____	_____	_____	_____
Capital outlay	_____	_____	_____	_____
Aid	_____	_____	_____	_____
Capital improvements	_____	_____	_____	_____
TOTAL	_____	_____	_____	_____

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

2018

LB⁽¹⁾ 776 Final Reading

FISCAL NOTE

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

Prepared by: ⁽³⁾ LT Will McGlothlin Date Prepared: ⁽⁴⁾ 4/11/18 Phone: ⁽⁵⁾ 402-441-1919

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2018-19</u>		<u>FY 2019-20</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:

The current proposed language does not affect our previously submitted fiscal note.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2018-19</u>	<u>2019-20</u>
	<u>18-19</u>	<u>19-20</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____

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

2018

LB⁽¹⁾ 776

FISCAL NOTE

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

Prepared by: ⁽³⁾ LT William McGlothlin Date Prepared: ⁽⁴⁾ 1/5/2018 Phone: ⁽⁵⁾ (402) 441-1919

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2018-19</u>		<u>FY 2019-20</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:

During FY 2017, Lancaster County Department of Corrections received a total of \$397, 565.99 in commissions from inmate phone calls. During FY 2017, Lancaster County Department of Corrections dedicated \$579,779 to inmate programing. Programs for which funds are budgeted include: three distinct substance abuse education classes (2 for men and 1 for women,) job readiness/life skills classes, parenting classes, domestic relationship classes, literacy classes, and a vocational food prep skills class. Funds are also utilized to pay for all GED subject exams and occasional GED practice exams, GED diplomas, a limited number of substance abuse evaluations, and food handler permits for those completing the food prep skills class. Separate from the food prep class, inmates assigned to work on the kitchen crews are paid weekly from these funds, as a work study program. Funding is also utilized to purchase books for the inmate library, newspapers, and recreational supplies, such as dominoes, board games and puzzles, to aid in constructive use of leisure time in the housing units. The amount of funding also includes salaries of jail personnel to organize these activities and coordinate contracted providers and community volunteers who directly facilitate/teach these programs. The commission earned from inmate phone calls is earmarked for funding programs designed to address inmate education, addiction, and vocational needs, with the goal of better equipping inmates for successful integration back into the community upon release from custody. Passing this legislation will significantly impact a revenue stream relied upon to benefit our inmate population. We anticipate that Lancaster County Department of Corrections would have to eliminate programs we are presently able to offer if phone call commissions are curtailed. Alternatively, Lancaster County would have to utilize property taxes to fund this loss in revenue. This is a prospect that is certain to be unpopular, and quite possibly unsuccessful. The loss of programming will have a serious detrimental impact on the inmates' ability to acquire knowledge and skills while incarcerated that better prepare them to return to the community.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2018-19</u>	<u>2019-20</u>
	<u>18-19</u>	<u>19-20</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____

Aid.....
Capital improvements.....
TOTAL.....

_____	_____
_____	_____
_____	_____
_____	_____