

**FISCAL NOTE**  
**LEGISLATIVE FISCAL ANALYST ESTIMATE**

Updated for amendments adopted through April 9, 2018.

| <b>ESTIMATE OF FISCAL IMPACT – STATE AGENCIES</b> (See narrative for political subdivision estimates) |                   |         |                   |         |
|---|-------------------|---------|-------------------|---------|
|   | <b>FY 2018-19</b> |         | <b>FY 2019-20</b> |         |
|   | 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, as amended by AM2854, would require that certain prosecution costs be paid by the state.

The bill defines a correctional institution incident as an incident in which a crime or crimes are committed by an inmate or inmates confined in a state correctional institution. The costs of prosecution includes the costs of defense for indigent defendants, including attorney and expert witness fees. Threshold amount is defined as a property tax levy of 2 ½ cents per \$100 of valuation.

A county may file a claim with DAS Risk Management to recover the costs of prosecution relating to a correctional institution incident that occurs within the county. The county may recover only those costs that exceed the threshold amount for such county.

The Risk Manager shall have the power and authority to receive claims, investigate claims, and otherwise carry out the responsibilities of this bill. DAS Risk Management shall develop a claim form, publish claim procedures, and determine the supporting information required to perfect a claim.

The Risk Manager shall submit claims to the Legislature in the same manner as provided in the State Miscellaneous Claims Act. The Legislature shall review the claim and make an appropriation for the claim if appropriate. This bill shall apply to any correctional institution incident occurring on or after May 1, 2015. Claims shall have no time bar to recovery.

The following table shows how the threshold amount varies depending on the valuation of the county where a state correctional institution is located:

| COUNTY            | THRESHOLD AMOUNT | STATE CORRECTIONAL INSTITUTION   |
|-------------------|------------------|--|
| Douglas County    | \$10.6 million   | Community Corrections Center - Omaha, Nebraska<br>Correctional Youth Facility, Omaha Correctional Center                               |
| Johnson County    | \$228,000        | Tecumseh State Correctional Institution  |
| Lancaster County  | \$6.4 million    | Community Corrections Center - Lincoln, Diagnostic &<br>Evaluation Center, Lincoln Correctional Center,<br>Nebraska State Penitentiary |
| Red Willow County | \$324,000        | Work Ethic Camp  |
| York County       | \$864,000        | Nebraska Correctional Center for Women   |

The "County" and "Threshold Amount" in the above-table were provided by Senator Watermeier's office.

This bill, as amended, has the potential for a fiscal impact to the state, but that amount, if any, is not able to be determined at this time.

DAS Risk Management estimates no fiscal impact from this bill, as amended.

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

**2018**

**LB<sup>(1)</sup> 861 AM 2854**

**FISCAL NOTE**

State Agency OR Political Subdivision Name: <sup>(2)</sup> Department of Administrative Services (DAS) – Risk Management Division

Prepared by: <sup>(3)</sup> Shereece Dendy-Sanders Date Prepared: <sup>(4)</sup> 4/9/2018 Phone: <sup>(5)</sup> 402-471-4436

**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        | _____               | _____          | _____               | _____          |
| <b>TOTAL FUNDS</b> | <b>=====</b>        | <b>=====</b>   | <b>=====</b>        | <b>=====</b>   |

**Explanation of Estimate:**

LB 861 AM 2854 seeks to allow for prosecution costs of inmates confined in state correctional institutions to be paid by the State of Nebraska, if such costs become more than the amount of property tax revenue raised by the county for the year in which the correctional institution incident occurred. Such costs are proposed to be processed accordingly to the Miscellaneous Claims Act with approved claims to be submitted to the Legislature for appropriation.

Risk Management currently has forms to process miscellaneous claims and would use such form if this amendment were passed. There would be no fiscal impact.

**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..... |                            |              | _____               | _____               |
| <b>TOTAL.....</b>         |                            |              | <b>_____</b>        | <b>_____</b>        |