

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

<b>ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)</b>				
	<b>FY 2018-19</b>		<b>FY 2019-20</b>	
	<b>EXPENDITURES</b>	<b>REVENUE</b>	<b>EXPENDITURES</b>	<b>REVENUE</b>
GENERAL FUNDS				
CASH FUNDS	10,000		0	
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	10,000		0	

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

This bill would create the offense of possession of a firearm by a prohibited juvenile offender. Violation of the provisions of this bill is a Class IIIA felony for a first offense and a Class III felony for a second or subsequent offense.

Penalties for such violations are as follows:

Class IIIA felony: Maximum — three years imprisonment and eighteen months post-release supervision or ten thousand dollars fine, or both; Minimum — none for imprisonment and nine months post-release supervision if imprisonment is imposed.

Class III felony: Maximum — four years imprisonment and two years post-release supervision or twenty-five thousand dollars fine, or both; Minimum — none for imprisonment and nine months post-release supervision if imprisonment is imposed.

The Supreme Court estimates a one-time cost of \$10,000 in Cash Funds to make changes in the judicial branch case management system as well as educational updates.

The Department of Correctional Services (NDCS) states that this bill could potentially increase prison admissions by creating a new felony offense but the estimated fiscal impact is indeterminable. NDCS states that the number of individuals who violate the new provisions, are prosecuted, and are sentenced to prison is unknown. See the agency response attached for additional details not included in this fiscal note.

If the impact of this bill is to increase the inmate prison population by more than current law, NDCS could incur additional 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 FY17 per diem cost for an individual inmate was \$8,649 per year, which includes NDCS inmates in county jails.

This bill could potentially increase the prison population. As of October-December 2017, the prison population was 156.74% of design capacity. Additionally, NDCS contracts with some counties to temporarily house prison inmates. If those inmates are included in the prison population numbers, then the prison population would be 159% 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.

Any fines assessed pursuant to convictions will accrue to the county where the violation occurs to be used for the support of public schools.

<a href="#">ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY &amp; POLT. SUB. RESPONSE</a>		
<b>LB: 990</b>	<b>AM:</b>	AGENCY/POLT. SUB: <b>Nebraska Department of Correctional Services (046)</b>
REVIEWED BY: Joe Wilcox	DATE: 02/06/2018	PHONE: <a href="tel:4024714178">(402) 471-4178</a>
COMMENTS: No basis to dispute the Nebraska Department of Correctional Services estimate of Indeterminable Fiscal Impact to the Agency from LB 990.		

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

**2018**

**LB<sup>(1)</sup> 990**

**FISCAL NOTE**

State Agency OR Political Subdivision Name: <sup>(2)</sup> 05 Supreme Court

Prepared by: <sup>(3)</sup> Eric Asboe Date Prepared: <sup>(4)</sup> 2/2/18 Phone: <sup>(5)</sup> 1-4138

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	<u>10,000</u>	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
TOTAL FUNDS	<u>10,000</u>	_____	_____	_____

Explanation of Estimate:

Those portions of LB990 pertaining to petitioning the court would require changes in the judicial branch case management system as well as educational updates. Estimated one-time fiscal impact: \$10,000 Cash Funds from the Automation Cash Fund.

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<sup>(1)</sup> 990**

**FISCAL NOTE**

State Agency OR Political Subdivision Name: <sup>(2)</sup>

Nebraska Department of Correctional Services

Prepared by: <sup>(3)</sup> Jeff Beaty

Date Prepared: <sup>(4)</sup> 1/26/18

Phone: <sup>(5)</sup> 4024795767

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	FY 2018-19		FY 2019-20	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	_____	_____	_____	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
TOTAL FUNDS	=====	=====	=====	=====

Explanation of Estimate:

LB 990 creates a new criminal offense, possession of a firearm by a prohibited juvenile offender. The crime is defined as an individual under 25 years of age knowingly possessing a firearm if he or she has previously has been adjudicated in juvenile court for an act which would constitute a felony or misdemeanor crime of domestic violence, is a fugitive from justice or is the subject of a current and validly issued domestic assault protection order, harassment protection order or sexual assault protection order and knowingly violating such order. Possession of a firearm by a prohibited juvenile offender is a class 3A felony for the first offense and a class 3 felony for a second or subsequent violation.

While LB 990 has the potential to increase prison admissions by creating a new felony offense, the estimated fiscal impact on NDCS from LB 990 is indeterminable. The number of individuals who will violate the new provisions, be prosecuted and sentenced to prison is unknown. Determining how many individuals are potentially subject to this offense is also complicated by the fact that juvenile records are often sealed by the court and not available in criminal history checks. Lastly, individuals who are fugitives from justice or subject to a protection order are currently subject to prosecution under section 28-1206 for possession of a deadly weapon by a prohibited person.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

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