

**FISCAL NOTE**

**LEGISLATIVE FISCAL ANALYST ESTIMATE**

Updated for amendments adopted through March 22, 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>	
	<b>EXPENDITURES</b>	<b>REVENUE</b>	<b>EXPENDITURES</b>	<b>REVENUE</b>
GENERAL FUNDS				
CASH FUNDS	10,000		0	
FEDERAL FUNDS				
OTHER FUNDS				
<b>TOTAL FUNDS</b>	<b>10,000</b>		<b>0</b>	

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

This bill, as amended by AM2209, would create the offense of possession of a firearm by a prohibited juvenile offender. Violation of the provisions of this bill is a Class IV felony for a first offense and a Class IIIA felony for a second or subsequent offense.

Penalties for such violations are as follows:

Class IV felony: Maximum — two years imprisonment and twelve 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 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.

The bill, as amended, requires that when a petition filed in juvenile court alleges that a juvenile committed an act which would constitute a felony or an act which would constitute a misdemeanor crime of domestic violent, the juvenile court must inform the juvenile that adjudication for such an act will have a specific legal impact on the juvenile's right to possess a firearm.

The Supreme Court has contacted the Legislative Fiscal Office (LFO) and stated that the bill, as amended by AM2209, does not change their previous estimate, which follows:

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.

For the introduced copy of this bill, the Nebraska Department of Correctional Services (NDCS) stated the following:

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.

If NDCS sends a revised response to LFO, this fiscal note will be updated to include it.

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. This amount is not known at this time.