

MNA

PREPARED BY: Doug Nichols
DATE PREPARED: January 25, 2011
PHONE: 471-0052

LB 203

Revision: 00

FISCAL NOTE

LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES *				
	FY 2011-12		FY 2012-13	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS				
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS				

*Does not include any impact on political subdivisions. See narrative for political subdivision estimates.

This bill would change sentencing requirements with respect to certain minors.

The Department of Correctional Services (DCS) states that the impact is not determinable. Their response follows:

LB 203 changes penalties relating to Class I, Class IA, and Class IB felonies as they pertain to minors. Currently the law states that the death penalty (Class I felony) shall not be imposed on anyone under 18 at the time of the crime.

1. The bill changes penalties for Class I (death) and also Class IA felonies (life imprisonment) to:

- a) if the person at the time of the commission of the crime was at least age 16 but under age 18, the penalty shall be 50 years to life imprisonment.
- b) if the person at the time of the commission of the crime was under age 16, the penalty shall be 40 years to life imprisonment...

2. For Class IB felonies (penalty 20 years to life) the statutes are amended to

- a) if the person at the time of the commission of the crime was under age 18, the minimum sentence shall not exceed 40 years imprisonment

The Nebraska Department of Correctional Services (NDCS) had two individuals sentenced in 2008 for a Class I felony, and none in 2009 or 2010. Neither of the two individuals sentenced in 2008 were under the age of 18 at the time of the offense.

NDCS had five individuals sentenced in 2008 for a Class IA felony; and six each in 2009 & 2010. Only one of these 17 individuals was under 18 when he committed the offense. If sentenced under this bill, the individual would be sentenced to a minimum of 50 years to life instead of life imprisonment.

NDCS had 17 individuals sentenced for a Class IB felony in 2008, 24 individuals in 2009, and 17 in 2010. Two of these 58 individuals were between age 16 and 18 when they committed the offense, and two were under age 16. Current minimum sentences for these four individuals range from 30 years to 60 years. If sentenced under this bill, one of the individuals would have a longer minimum sentence, and three would have shorter minimum sentences.

The impact on NDCS is not determinable, but is assumed to be fairly minimal savings, based on the three previous years' historical information.

DCS current inmate population is 4,599 (1/18/2011 Tuesday Count)

The FY10 per diem (cost per day of feeding, clothing, housing, medical, etc) for an individual inmate was \$5,625/yr.

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LB 203 FISCAL NOTE

State Agency OR Political Subdivision Name: (2) DEPARTMENT OF CORRECTIONAL SERVICES

Prepared by: (3) Kate Morris Date Prepared: (4) 1/25/2011 Phone: (5) 479-5702

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2011-2012</u>		<u>FY 2012-2013</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	Not determinable	_____	_____	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
TOTAL FUNDS	_____	_____	_____	_____

Return by date specified or 72 hours prior to public hearing, whichever is earlier.

Explanation of Estimate:

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MAJOR OBJECTS OF EXPENDITURE

Personal Services:

POSITION TITLE	NUMBER OF POSITIONS		2011 -2012	2012-2013
	11-12	12-13	EXPENDITURES	EXPENDITURES
Benefits				
Operating				
Travel				
Capital outlay				
Aid				
Other				
Capital improvements				
TOTAL				