

PREPARED BY: Doug Nichols
 DATE PREPARED: February 1, 2011
 PHONE: 471-0052

LB 133

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	25,000		See Below	
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	25,000			

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

This bill would require inclusion of sentencing costs in presentence reports.

The Supreme Court - Probation Administration estimates a one-time cost of \$25,000 to develop standard sentencing costs and to make changes in the probation management system. Additionally, Probation Administration may require additional probation officers in some probation districts, but the number of additional officers, if any, is not known at this time. The salary and benefit cost of each additional officer is estimated at \$53,800 per year. The Supreme Court's response follows:

LB 133 requires inclusion of sentencing costs in presentence investigations written by probation officers. There would be a one-time cost to develop standard sentencing costs and to program the Probation case management system to include and track sentencing costs within a presentence investigation. An estimate of that cost is \$25,000 General Funds, based on past programming requests. In addition, it is possible that additional probation officers may be required in some probation districts, if including sentencing costs affects presentence investigation workload. The cost of an additional officer is approximately \$53,800. At this time, there is no clear means to estimate if such personnel would be needed.

Note: It is assumed that "costs to the state" do not include costs of jail time, a political subdivision expense.

The Department of Correctional Services (DCS) estimates no fiscal impact and their response follows:

LB133 requires that a presentence investigation and report shall include the costs to the state of the imposition of a statutory maximum sentence, a statutory minimum sentence, or probation, if probation is an option.

The Nebraska Department of Correctional Services prepares an annual report in August each year showing the total operational costs (General, Cash & Federal) of the Department for the fiscal year just ended, which also includes an average cost per year per inmate. This dollar amount was \$28,773 per inmate in FY10. The Nebraska Department of Correctional Services also prepares a report each year indicating the 'per diem' cost per inmate, or what the direct costs only of food, clothing, wages, medical, cell supplies, etc are per inmate. This per-diem was \$5,625 in FY10.

Either or both estimates could be supplied to the Court Administrator in August each year. There would be no additional cost to the Nebraska Department of Correctional Services.

DEPARTMENT OF ADMINISTRATIVE SERVICES

REVIEWED BY	Joe Wilcox	DATE	1/19/11	PHONE	471-2526
COMMENTS					
DEPARTMENT OF CORRECTIONAL SERVICES: Concur with agency analysis for DCS.					

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LEGISLATIVE FIGURE

2011

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

LB 133 FISCAL NOTE

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

Prepared by: (3) Kate Morris Date Prepared: (4) 1/18/2011 Phone: (5) 479-5702

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	FY 2011-2012		FY 2012-2013	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	<u>NFI</u>	_____	_____	_____
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:

LB133 requires that a presentence investigation and report shall include the costs to the state of the imposition of a statutory maximum sentence, a statutory minimum sentence, or probation, if probation is an option.

The Nebraska Department of Correctional Services prepares an annual report in August each year showing the total operational costs (General, Cash & Federal) of the Department for the fiscal year just ended, which also includes an average cost per year per inmate. This dollar amount was \$28,773 per inmate in FY10. The Nebraska Department of Correctional Services also prepares a report each year indicating the 'per diem' cost per inmate, or what the direct costs only of food, clothing, wages, medical, cell supplies, etc are per inmate. This per-diem was \$5,625 in FY10.

Either or both estimates could be supplied to the Court Administrator in August each year. There would be no additional cost to the Nebraska Department of Correctional Services

MAJOR OBJECTS OF EXPENDITURE

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

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FEB 07 2011

LB⁽¹⁾ 133 FISCAL NOTE

LEGISLATIVE FISCAL

State Agency OR Political Subdivision Name: ⁽²⁾ Supreme Court

Prepared by: ⁽³⁾ Eric Asboe

Date Prepared: ⁽⁴⁾ 1/31/11

Phone: ⁽⁵⁾ 1-4138

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	FY 2011-2012		FY 2012-2013	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	25,000		See Below	
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	25,000			

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

Explanation of Estimate:

LB 133 requires inclusion of sentencing costs in presentence investigations written by probation officers. There would be a one-time cost to develop standard sentencing costs and to program the Probation case management system to include and track sentencing costs within a presentence investigation. An estimate of that cost is \$25,000 General Funds, based on past programming requests. In addition, it is possible that additional probation officers may be required in some probation districts, if including sentencing costs affects presentence investigation workload. The cost of an additional officer is approximately \$53,800. At this time, there is no clear means to estimate if such personnel would be needed.

Note: It is assumed that "costs to the state" do not include costs of jail time, a political subdivision expense.

MAJOR OBJECTS OF EXPENDITURE

Personal Services:

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