

FISCAL NOTE
LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)				
	FY 2013-14		FY 2014-15	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	51,632		212,982	
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	51,632		212,982	

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

This bill would change furlough provisions and also change reduction of sentence provisions for certain offenses.

The Nebraska Department of Correctional Services states the furlough provision changes will not have a fiscal impact. However, the proposed changes to the reduction of sentence provisions will have an impact, and this impact is summarized in the following table:

	FY2013-2014	FY2014-2015
Estimated Increase in the Inmate Population:		Expenditures
8 in FY14 and 33 in FY15 multiplied by the inmate per diem+	51,632	212,982

+ The FY12 per diem for an individual inmate was \$6,454 per year. This is the cost for food, medical care, inmate wages, clothing, cleaning supplies, food service supplies, cell and dorm supplies, other supplies, and transportation.

See the agency response following for additional details.

ADMINISTRATIVE SERVICES-STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSES			
LB: LB 379	AM:	AGENCY/POLT. SUB: Department of Correctional Services (046)	
REVIEWED BY: Joe Wilcox		DATE: February 21 st , 2013	PHONE: (402) 471-4178
COMMENTS: The Department of Correctional Services estimate of fiscal impact from the provisions of LB 379 reflects the cost of housing inmates for longer terms with the elimination of good time and corresponding potential parole implications. The agency estimates through FY 2014-15 appear reasonable. The fiscal note identifies that there will continue to be an increased cumulative effect on the agency in future years.			

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LB⁽¹⁾ 379 FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ Nebraska Department of Correctional Services (NDCS)

Prepared by: ⁽³⁾ Christina Peters Date Prepared: ⁽⁴⁾ 1/28/2013 Phone: ⁽⁵⁾ (402) 479-5702

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2013-14</u>		<u>FY 2014-15</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	<u>51,632</u>	<u>0</u>	<u>212,982</u>	<u>0</u>
CASH FUNDS	<u> </u>	<u> </u>	<u> </u>	<u> </u>
FEDERAL FUNDS	<u> </u>	<u> </u>	<u> </u>	<u> </u>
OTHER FUNDS	<u> </u>	<u> </u>	<u> </u>	<u> </u>
TOTAL FUNDS	<u>51,632</u>	<u>0</u>	<u>212,982</u>	<u>0</u>

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

Explanation of Estimate:

This bill proposes changes to eligibility of furlough and reductions of sentence terms for inmates convicted of certain charges. There is no fiscal impact related to the proposed changes to furlough guidelines.

The proposed changes to sentence reductions would have major fiscal impact on NDCS. Inmates charged as a habitual criminal or convicted with Use of a Deadly Weapon to Commit a Felony or Possession of a deadly Weapon by a Prohibited Person would likely serve twice the length of time presently specified in law.

The population would increase by 8 inmates in FY14 and 33 in FY15. Using the per diem rate of FY12 at \$6,454, the fiscal impact for FY14 and FY15 is \$51,632 and \$212,982 respectively.

The proposed changes have a cumulative effect and the average daily population would increase over the next 30 years by an average of 100 inmates per year each year using the admission rate and offense patterns of FY12. For example, in 2020, NDCS would have more than 400 additional inmates. This number would increase to over 1,000 in the year 2026.

In addition to the increased per diem expenses, a substantial population increase would require additional staffing and operational costs. As of January 31, 2013, the inmate population was 145.01% of design capacity.

Of the current NDCS population the following numbers have been convicted of: Use of a Deadly Weapon – 473; Possession of a Deadly Weapon by a Prohibited Person – 182; Habitual Criminal – 2 (an additional 176 inmates have been identified as a Habitual Criminal, but with no actual charge or additional time from the courts.)

MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2013-14</u>	<u>2014-15</u>
	<u>13-14</u>	<u>14-15</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
<u>Benefits.....</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>Operating.....</u>	<u> </u>	<u> </u>	<u>51,632</u>	<u>212,982</u>
<u>Travel.....</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>Capital outlay.....</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>Aid.....</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>Capital improvements.....</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
TOTAL.....	<u> </u>	<u> </u>	<u>51,632</u>	<u>212,982</u>