

PREPARED BY: Doug Nichols  
DATE PREPARED: January 22, 2014  
PHONE: 402-471-0052

**LB 707**

Revision: 00

# FISCAL NOTE

**LEGISLATIVE FISCAL ANALYST ESTIMATE**

<b>ESTIMATE OF FISCAL IMPACT – STATE AGENCIES</b> (See narrative for political subdivision estimates)				
	<b>FY 2014-15</b>		<b>FY 2015-16</b>	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS				
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS				

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

This bill would change provisions and procedures relating to sexual assault, stalking, domestic assault, and use of an electronic communication device and to create the offense of harassment.

The Department of Correctional Services (DCS) states that this bill will have an indeterminate fiscal impact, and the impact on future admissions is not determinable.

As of December 31, 2013, the inmate population was 153.20% of design capacity.

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

**2014**

**LB<sup>(1)</sup> 707**

**FISCAL  
NOTE**

State Agency OR Political Subdivision Name: <sup>(2)</sup> Nebraska Department of Correctional Services

Prepared by: <sup>(3)</sup> Christina Peters Date Prepared: <sup>(4)</sup> 1/15/2014 Phone: <sup>(5)</sup> (402) 479-5702

**ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION**

	<u>FY 2014-15</u>		<u>FY 2015-16</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	<u>Indeterminable</u>	<u>                    </u>	<u>                    </u>	<u>                    </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>
<b>TOTAL FUNDS</b>	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>

**Explanation of Estimate:**

This bill changes the offense of stalking from a Class I misdemeanor to a Class IIIA or Class III felony. It also creates the offense of harassment as a Class II misdemeanor with subsequent violations as a Class I misdemeanor.

A Class IIIA felony carries a sentence of 0-5 years. Class III carries 0-20 years.

NDCS currently has inmates with charges related to the following – domestic assault (178); and stalking (9). As it is a new offense, there are no inmates currently held with a charge of harassment.

The average offense sentence for inmates discharged in 2013 with each above offense is as follows: Domestic Assault – 10.1 – 22.7 months; Stalking – 12 – 32 months.

The average total sentence for these inmates was 19.2 – 40.1 months and 20.8 – 51.8 months, respectively.

The average length of stay for these same inmates was 15.4 months and 17 months.

Fiscal Impact – Indeterminable. The impact on NDCS related to future admissions is not determinable.

The FY13 per diem (cost per day of food, clothing, housing, medical, etc.) for an individual inmate was \$6,422 per year.

**BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE**

**Personal Services:**

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2014-15 EXPENDITURES</u>	<u>2015-16 EXPENDITURES</u>
	<u>14-15</u>	<u>15-16</u>		
<u>Benefits.....</u>	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
<u>Operating.....</u>	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </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>
<b>TOTAL.....</b>	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>