

FISCAL NOTE
LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)				
	FY 2016-17		FY 2017-18	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	See Below			
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 provide for court review of inmate restrictive housing placement as prescribed.

The Department of Correctional Services (DCS) states that this bill will have an indeterminate fiscal impact. See their response for additional details.

The Supreme Court states that reviews required by this bill will increase district court workload in those counties that contain correctional facilities. Using data from the Department of Correctional Services, they estimate approximately 340 inmates would be eligible for a review the first year and approximately 215 inmates would be eligible on an on-going basis.

The Supreme Court assumes a significant portion of those eligible will request a review. To process this additional workload it is estimated that magistrates will be appointed. The bill does not state who is responsible for payment of magistrate expenses.

District court personnel expenses are currently a county responsibility. If the cost of a magistrate is intended to be a county expense, then there would be no fiscal impact for the Supreme Court.

If magistrate expenses are intended to be a State expense, then the Supreme Court estimates General Fund expenditures of \$330,000 to \$350,000 per fiscal year. The estimate assumes two full-time magistrates would be appointed.

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

2016

LB⁽¹⁾ 861

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾

Nebraska Department of Correctional Services (NDCS)

Prepared by: ⁽³⁾ Brendon Polt

Date Prepared: ⁽⁴⁾ 1/17/2016

Phone: ⁽⁵⁾ (402) 479-5702

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2016-17</u>		<u>FY 2017-18</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	_____	_____	_____	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
TOTAL FUNDS	=====	=====	=====	=====

Explanation of Estimate: Indeterminate fiscal impact.

Section 1(2) of the bill provides that any inmate placed in restrictive housing may, upon the ninetieth day of his or her confinement, seek a review of the decision to place him or her in restrictive housing by the county district court of the county in which the facility is located. A magistrate is appointed to conduct the review and may recommend further proceedings which could require transportation of inmates from DCS facilities to the courthouse and back. For this reason, DCS recognizes a likely positive fiscal impact but identifies it as indeterminate.

There are currently approximately 401 inmates placed in restrictive housing (which does not include protective custody or death row). In 2015, which was comparable to other recent years, 215 inmates in productive custody reached their particular ninetieth day and would be eligible under LB861 for a review. Additionally, as of January 2016, there are 127 inmates in restrictive housing that have already exceeded 90 days in such placement, who presumably under this legislation are also intended to be eligible to request a review. This means in the first year following the effective date, there could be roughly 342 inmates eligible for a review of their restrictive placement. After the first year, the number would level-off at roughly 215, i.e., the amount reaching the 90-day threshold annually.

Additionally, the legislation adds a new provision to an annual report that the Department of Correctional Services is required to issue pertaining to restrictive housing. The report was originally required under LB598 (2015), funding for which was provided in LB598A. The following provision would be added to the existing seven required provisions: "(e) The number of inmates who were released from restrictive housing based upon an order of a district judge under subsection (2) of section 83-173.03;"

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2016-17</u>	<u>2017-18</u>
	<u>16-17</u>	<u>17-18</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____

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

2016

LB⁽¹⁾ 861

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾

Supreme Court

Prepared by: ⁽³⁾ Eric Asboe

Date Prepared: ⁽⁴⁾ 2/2/16

Phone: ⁽⁵⁾ 1-4138

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2016-17</u>		<u>FY 2017-18</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	_____	_____	_____	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
TOTAL FUNDS	=====	=====	=====	=====

Explanation of Estimate:

Restrictive housing reviews required by LB861 will increase district court workload in those counties that contain correctional facilities. Based on data from the Department of Correctional Services, approximately 340 inmates would be eligible for a review the first year and approximately 215 inmates would be eligible on an on-going basis. It is assumed a significant portion of those eligible will request a review. To process this additional workload it is estimated that magistrates will be appointed. LB861 does not state who is responsible for payment of magistrate expenses.

District court personnel expenses are currently a county responsibility. If the cost of a magistrate is intended to be a county expense, then there would be no fiscal impact for the Supreme Court.

If magistrate expenses are intended to be a State expense, then General Fund expenditures are estimated to increase by \$330,000-\$350,000 per fiscal year. The estimate assumes two full-time magistrates would be appointed.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

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	<u>16-17</u>	<u>17-18</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____