

FISCAL NOTE
LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)				
	FY 2018-19		FY 2019-20	
	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 regulate and create criminal offenses regarding the use of unmanned aircraft systems.

Current law defines intrude to mean viewing of another person in a state of undress as it is occurring, and this bill broadens this definition to include *whether directly or through electronic or other means*. Violation is a Class I misdemeanor (Maximum — not more than one year imprisonment, or one thousand dollars fine, or both; Minimum — none). A subsequent violation is a Class IV felony (Maximum — two years imprisonment and twelve months post-release supervision or ten thousand dollars fine, or both; Minimum — none for imprisonment and nine months post-release supervision if imprisonment is imposed).

If video or an image is distributed to another person or otherwise made public, than the violation is a Class IIA felony (Maximum — twenty years imprisonment; Minimum — none). If the defendant is nineteen years of age or older and the victim is less than eighteen years of age, then the defendant shall register under the Sex Offender Registration Act.

It shall be unlawful for any person to intentionally cause an electronic device, including an unmanned aircraft, to enter the property of another in order to secretly peep into the dwelling of another person. Violation is a Class I misdemeanor (penalty listed above).

The bill creates the following offenses:

The offense of unmanned aircraft harassment by a registered sex offender and violation is a Class I misdemeanor for a first offense and a Class IV felony for any subsequent offense (penalties listed above)

The offense of first degree criminal trespass by unmanned aircraft and violation is a Class I misdemeanor (penalty listed above)

The offense of second degree criminal trespass by unmanned aircraft, and a violation is a Class III misdemeanor for a first offense (Maximum — three months imprisonment, or five hundred dollars fine, or both; Minimum — none) and a Class II misdemeanor for any subsequent offense (Maximum — six months imprisonment, or one thousand dollars fine, or both; Minimum — none)

The offense of flying an unmanned aircraft above a critical infrastructure facility and over a school, and a violation is a Class I misdemeanor (penalty listed above)

The offense of interference with a police cordon, and a violation of this section is a Class II misdemeanor (penalty listed above)

The offense of livestock harassment through the use of a motor vehicle, a dog, or an unmanned aircraft. A violation is a Class II misdemeanor, unless the harassment results in serious injury or death to the animal, in which case it is a Class I misdemeanor (penalties listed above).

The bill states that no person shall fly an unmanned aircraft within a horizontal distance of five hundred feet or a vertical distance of three hundred feet above any penal institution. A violation is a Class I misdemeanor for a first offense and a Class IV felony for any subsequent offense (penalties listed above).

The bill states that it is unlawful for any person to operate an unmanned aircraft that is carrying deadly weapon, and a violation is a Class I misdemeanor for a first offense and a Class IV felony for any subsequent offense (penalties listed above).

The bill broadens the definition of interference with hunting, trapping, or fishing to include using an unmanned aircraft to interfere with such activities. A violation is a Class III misdemeanor with a minimum fine of \$50 (penalty listed above).

The Supreme Court, Crime Commission, Board of Parole, and the State Patrol estimate no fiscal impact from this bill.

The Department of Correctional Services (NDCS) states that the creation of new criminal offenses always has the potential to increase offenders sentenced to prison and increase costs to NDCS. The agency notes that some of the provisions of the bill may overlap with current law so it is difficult to know how much of the conduct is currently being prosecuted. Without knowing how often people will be convicted and sentenced to prison for the new offenses, the fiscal impact to NDCS is indeterminable at this time.

If the impact of this bill is to increase the inmate prison population by more than current law, NDCS could incur additional per diem costs. For every inmate, NDCS incurs per diem costs. This is the cost for food, medical care, inmate wages, clothing, cleaning supplies, food service supplies, cell and dorm supplies, other inmate related supplies, laundry, inmate property, miscellaneous contractual services, and inmate transportation. The FY17 per diem cost for an individual inmate was \$8,649 per year, which includes NDCS inmates in county jails.

If the impact of this bill is to increase the inmate prison population by more than current law, then this bill could increase the inmate prison population. As of October-December 2017, the prison population was 156.74% of design capacity. Additionally, NDCS contracts with some counties to temporarily house prison inmates. If those inmates are included in the prison population numbers, then the prison population would be 159% of design capacity.

For informational purposes, NDCS estimates the cost per offender (All facilities including Parole) at \$31,271 for FY16. This cost represents an average cost of all General, Cash, and Federal expenditures excluding aid, depreciation, and Capital Construction expenditures.

Lincoln-Lancaster County Emergency Management estimates no fiscal impact from this bill.

This bill could also impact county jails. Misdemeanor sentences are generally served in county jails if jail time is imposed. This could result in additional costs to counties.

Any fines assessed pursuant to convictions will accrue to the county where the violation occurs to be used for the support of public schools. This amount is not known at this time.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
LB: 693	AM:	AGENCY/POLT. SUB: Nebraska Supreme Court (005)
REVIEWED BY: Joe Wilcox	DATE: 2/12/2018	PHONE: (402) 471-4178
COMMENTS: No basis to dispute the Nebraska Supreme Court estimate of No Fiscal Impact to the Agency from LB 693.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
LB: 693	AM:	AGENCY/POLT. SUB: Nebraska Commission on Law Enforcement and Criminal Justice (078)
REVIEWED BY: Joe Wilcox	DATE: 01/22/2018	PHONE: (402) 471-4178
COMMENTS: No basis to dispute the Nebraska Commission on Law Enforcement and Criminal Justice (Crime Commission) estimate of No Fiscal Impact to the Agency from LB 693.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
LB: 693	AM:	AGENCY/POLT. SUB: Nebraska State Patrol (064)
REVIEWED BY: Joe Wilcox	DATE: 01/17/2018	PHONE: (402) 471-4178
COMMENTS: No basis to dispute the Nebraska State Patrol estimate of No Fiscal Impact to the Agency from LB 693.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
LB: 693	AM:	AGENCY/POLT. SUB: Lincoln/Lancaster County Emergency Management
REVIEWED BY: Joe Wilcox	DATE: 01/10/2018	PHONE: (402) 471-4178
COMMENTS: No basis to dispute the Lincoln/Lancaster County Emergency Management estimate of No Fiscal Impact to the Agency from LB 693.		

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

2018

LB⁽¹⁾ 693

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ 05 Supreme Court

Prepared by: ⁽³⁾ Eric Asboe Date Prepared: ⁽⁴⁾ 2/12/18 Phone: ⁽⁵⁾ 1-4138

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2018-19</u>		<u>FY 2019-20</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:

No fiscal impact

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2018-19</u>	<u>2019-20</u>
	<u>18-19</u>	<u>19-20</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.

2018

LB⁽¹⁾ 693

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ NE Comm On Law Enf (Crime Commission)

Prepared by: ⁽³⁾ Bruce Ayers Date Prepared: ⁽⁴⁾ 1-19-2018 Phone: ⁽⁵⁾ 471-0359

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2018-19</u>		<u>FY 2019-20</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: LB 693 has no fiscal impact on the Crime Commission.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2018-19</u>	<u>2019-20</u>
	<u>18-19</u>	<u>19-20</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.

2018

LB⁽¹⁾ 693

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ Nebraska Board of Parole

Prepared by: ⁽³⁾ Rosalyn Cotton Date Prepared: ⁽⁴⁾ 1/9/18 Phone: ⁽⁵⁾ 402-479-5731

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2018-19</u>		<u>FY 2019-20</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:

No significant impact on budget related to LB693.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2018-19 EXPENDITURES</u>	<u>2019-20 EXPENDITURES</u>
	<u>18-19</u>	<u>19-20</u>		
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____

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

2018

LB⁽¹⁾ 693

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ Nebraska State Patrol

Prepared by: ⁽³⁾ Carol Aversman Date Prepared: ⁽⁴⁾ 1-15-2018 Phone: ⁽⁵⁾ _____

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2018-19</u>		<u>FY 2019-20</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:

No Fiscal Impact

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2018-19</u>	<u>2019-20</u>
	<u>18-19</u>	<u>19-20</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.

2018

LB⁽¹⁾ 693

FISCAL NOTE

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

Prepared by: ⁽³⁾ Jeff Beaty Date Prepared: ⁽⁴⁾ 1/11/18 Phone: ⁽⁵⁾ 4024795767

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2018-19</u>		<u>FY 2019-20</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	_____	_____	_____	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
TOTAL FUNDS	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>

Explanation of Estimate:

LB 693 regulates unmanned aircraft systems (drones) and expands existing offenses to include drones and creates several new criminal offenses related to drones including: peeping via drone (class I misdemeanor), register sex offender peeping via drone (class I misdemeanor 1st, class IV felony 2nd or subsequent), 1st and 2nd degree criminal trespass by drone (class I misdemeanor 1st degree, class 3 misdemeanor 2nd degree), flying over a critical infrastructure facility, school, or penal institution, interference with a police cordon (class 2m), and interference with hunting, trapping or fishing via drone.

The creation of new criminal offenses always has the potential to increase costs by increasing the number of offenders sentenced to an NDCS facility. The conduct prohibited by the offenses created in LB 693 potentially overlaps with existing criminal statutes such as unlawful intrusion, criminal mischief, or trespassing so it is difficult to know how much of the conduct prohibited by LB 693 is being prosecuted currently. Without knowing if the new offenses are replacing or enhancing existing prosecutions or how often people will be convicted and sentenced to NDCS for these offenses, the fiscal impact of LB 693 is indeterminable at this time.

The per diem cost for each inmate sentenced to NDCS in FY 2017 was \$8,649.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2018-19</u>	<u>2019-20</u>
	<u>18-19</u>	<u>19-20</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	<u>0</u>	<u>0</u>
TOTAL.....	_____	_____	_____	_____

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

2018

LB⁽¹⁾ 693 **No Fiscal Impact**

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ Lincoln-Lancaster County Emergency Management

Prepared by: ⁽³⁾ James Davidsaver, Director Date Prepared: ⁽⁴⁾ 01-09-2018 Phone: ⁽⁵⁾ 402-441-7441

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2018-19</u>		<u>FY 2019-20</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	No Fiscal Impact			
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS				

Explanation of Estimate:

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2018-19</u>	<u>2019-20</u>
	<u>18-19</u>	<u>19-20</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
Benefits.....				
Operating.....				
Travel.....				
Capital outlay.....				
Aid.....				
Capital improvements.....				
TOTAL.....				