

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	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 change provisions relating to criminal justice. This bill would change provisions relating to correctional overcrowding emergencies. It would move up the date from July 1, 2020, to July 1, 2018. The bill has the emergency clause.

A correctional system overcrowding emergency exists whenever the director of the Department of Correctional Services (NDCS) certifies that the department's inmate population is over 140% of design capacity. NDCS states in their fiscal note response that the NDCS population assigned to NDCS facilities on January 4, 2018, was 5,243. This is 155% of design capacity. During a correctional system overcrowding emergency, the Board of Parole (board) shall immediately consider or reconsider committed offenders eligible for parole who have not been released on parole, within the limits set out in section 83-962. The board shall continue granting parole to offenders until the director of NDCS certifies that the population is at operational capacity (125% of design capacity).

NDCS estimates the bill will have the following impact:

ITEMS	FY2018-19	FY2019-20	FY2018-19	FY2019-20
	Number of Positions		Expenditures	
Reentry Officers	7.00	2.00	275,891	275,891
Staff assistants	2.00	2.00	76,106	76,106
Warrant and Extradition Officers	2.00	2.00	75,217	75,217
Benefits			140,981	140,981
TOTAL	11.00	6.00	568,195	568,195

See the NDCS response for a summary of the duties of each of the above positions. NDCS also notes that there will also be additional overtime costs associated with increasing the number of parole hearings that will occur as a result of this bill but those costs are unknown until the board determines the hearing schedule.

Although this bill could increase the staffing requirements for NDCS, the amount appears high, especially for the Reentry Officers since NDCS should currently be preparing parole eligible inmates for release on parole.

It should be noted that the costs estimated by NDCS would presumably occur later if the correctional overcrowding emergency deadline stayed at 2020. This means that NDCS would probably request these amounts in their next biennium budget request, which is due in September of 2018. Therefore, these costs are just occurring sooner under this bill rather than later in the agency's budget request.

NDCS states that savings associated with releasing individuals on parole under the act is indeterminable at this time as it is unknown how many, how quickly, or which inmates the parole board would release during FY19 and FY20 to comply with the provisions of the act. For each additional inmate released, the department would save the per diem costs for food, medical, and clothing of \$8,649 for each year they are released earlier than they would have been under current law. The department would not close any facilities or housing units or reduce staffing as a result of this bill.

For informational purposes, to reduce the inmate population to 125% of design capacity, over 1,000 inmates would have to be released. This would result in a per diem savings of approximately \$8.8 million for NDCS.

The Board of Parole states that their costs are unclear because the bill does not specify the requirements of individuals placed on parole. The agency notes that it costs \$3,347 per year for someone being on parole.

The Supreme Court and the Crime Commission both estimate no fiscal impact from this bill.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
LB: 678	AM:	AGENCY/POLT. SUB: Nebraska Board of Parole (015)
REVIEWED BY: Joe Wilcox	DATE: 01/16/2018	PHONE: (402) 471-4178
COMMENTS: No basis to dispute the Nebraska Board of Parole estimate of Indeterminate Fiscal Impact to the Agency from LB 678.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
LB: 678	AM:	AGENCY/POLT. SUB: Nebraska Supreme Court (05)
REVIEWED BY: Joe Wilcox	DATE: 01/16/2018	PHONE: (402) 471-4178
COMMENTS: No basis to dispute the Nebraska Supreme Court estimate of No significant Fiscal Impact to the Courts from LB 678.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
LB: 678	AM:	AGENCY/POLT. SUB: Nebraska Commission on Law Enforcement and Criminal Justice (078)
REVIEWED BY: Joe Wilcox	DATE: 01/16/2018	PHONE: (402) 471-4178
COMMENTS: No basis to dispute the Nebraska Commission on Law Enforcement and Criminal Justice (Crime Commission) estimate No Fiscal Impact to the Agency from LB 678.		

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

2018

LB⁽¹⁾ 678

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	=====	=====	=====	=====

The estimate for this fiscal note is unclear as the bill does not specify the requirements of individuals placed on Parole. The cost per year for someone on Parole is currently \$3,347.41.

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⁾ 678

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	<u>\$568,195</u>	<u> </u>	<u>\$568,195</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>
TOTAL FUNDS	<u>\$568,195</u>	<u> </u>	<u>\$568,195</u>	<u> </u>

Explanation of Estimate:

LB 678 amends section 83-962 to change the date on which an overcrowding emergency is automatically triggered if the NDCS population is over 140% of design capacity from July 1, 2020 to July 1, 2018. The bill would require the parole board to begin reviewing all parole eligible inmates on July 1, 2018 until the population hits 125% of design capacity, which is currently 4,219 inmates. The NDCS population assigned to NDCS facilities on Jan 4, 2018 was 5,243 inmates and the parole eligible population was 1,010 individuals.

To implement the provisions of LB 678, the department of correctional services would have to prepare all currently parole eligible inmates to be reviewed immediately by the board beginning on July 1, 2018. This would require 7 additional reentry specialists to be hired during the current fiscal year to meet with and help prepare inmates for release on parole. Two additional staff assistants and two warrant and extradition officers would be required for special services to conduct NCIC and warrant checks and to handle the increase in parole revocations that would be associated with releasing additional inmates under the act. There will also be additional facility overtime costs associated with increasing the number of parole hearings that will occur as a result of LB 675 but those costs are unknown until the board determines what its hearing schedule will be.

The savings associated with releasing individuals on parole under the act is indeterminable at this time as it is unknown how many, how quickly, or which inmates the parole board would release during FY18-19 and FY 19-20 to comply with the provisions of the act. For each additional inmate released, the department would save the per diem costs for food medical and clothing of \$8,649 for each year they are released earlier than they would have been in the status quo. The department would not close any facilities or housing units or reduce staffing as a result of LB 678.

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>		
<u>Reentry Officers</u>	<u>7</u>	<u>7</u>	<u>\$275,891</u>	<u>\$275,891</u>
<u>Staff assistants</u>	<u>2</u>	<u>2</u>	<u>\$76,106</u>	<u>\$76,106</u>
<u>Warrant and Extradition Officers</u>	<u>2</u>	<u>2</u>	<u>\$75,217</u>	<u>\$75,217</u>
<u>Benefits.....</u>			<u>\$140,981</u>	<u>\$140,981</u>
<u>Operating.....</u>			<u> </u>	<u> </u>
<u>Travel.....</u>			<u> </u>	<u> </u>
<u>Capital outlay.....</u>			<u> </u>	<u> </u>
<u>Aid.....</u>			<u> </u>	<u> </u>
<u>Capital improvements.....</u>			<u> </u>	<u> </u>
<u>TOTAL.....</u>			<u>\$568,195</u>	<u>\$568,195</u>

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

2018

LB⁽¹⁾ 678

FISCAL NOTE

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

Prepared by: ⁽³⁾ Bruce Ayers Date Prepared: ⁽⁴⁾ 1-12-2018 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 678 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 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⁾ 678

FISCAL NOTE

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

Prepared by: ⁽³⁾ Eric Asboe Date Prepared: ⁽⁴⁾ 1/12/18 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 significant fiscal impact.

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.....	_____	_____	_____	_____