

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 change prohibited uses of scanning devices and encoding machines. It makes updates to Nebraska law to reflect new payment card technology. The bill also makes it a crime to possess a scanning device or encoding machine with the intent to use in a manner without proper authorization from the authorized user of the payment card, the issuer of the authorized user's payment card, or a merchant.

Violating provisions of this bill is a Class IV felony for the first offense and a Class IIIA felony for a second or subsequent offense.

Class IIIA felony: Maximum — three years imprisonment and eighteen 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

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

The Supreme Court estimates no fiscal impact from this bill.

The Board of Parole estimates no significant fiscal impact.

The Department of Correctional Services (NDCS) states the fiscal impact of this bill is indeterminable as it is unknown how many individuals will violate the provisions of this bill or whether the individuals convicted of 1st offense will be sentenced to prison since there is a presumption of probation for Class IV felonies.

This bill could potentially increase the number of persons sentenced to prison because it expands on the current provisions of law. 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. 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.

Any fines assessed pursuant to convictions will accrue to the county where the violation occurs to be used for the support of public schools.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
LB: 811	AM:	AGENCY/POLT. SUB: Supreme Court
REVIEWED BY: Neil Sullivan	DATE: 2/12/2018	PHONE: (402) 471-4179
COMMENTS: No basis to disagree with the Supreme Court estimate of no fiscal impact from LB 811.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
LB: 811	AM:	AGENCY/POLT. SUB: Nebraska Board of Parole
REVIEWED BY: Neil Sullivan	DATE: 1/16/2018	PHONE: (402) 471-4179
COMMENTS: No basis to disagree with the Nebraska Board of Parole's estimate of no significant fiscal impact from LB 811.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
LB: 811	AM:	AGENCY/POLT. SUB: Nebraska Department of Correctional Services
REVIEWED BY: Neil Sullivan	DATE: 1/16/2018	PHONE: (402) 471-4179
COMMENTS: No basis to disagree with the Nebraska Department of Correctional Services estimate of indeterminate fiscal impact from LB 811.		

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

2018

LB⁽¹⁾ 811

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⁾ 811

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 LB811.

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⁾ 811

FISCAL NOTE

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

Prepared by: ⁽³⁾ Jeff Beaty Date Prepared: ⁽⁴⁾ 1/12/18 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 811 amends section 28-632 to prohibit possession of a scanning device with intent to obtain information encoded on a payment card without the permission of the user or to place information encoded on a payment card on a different payment card without permission punishable as a class IV felony for first offense or a class IIIa felony for second or subsequent offenses.

The estimated fiscal impact of LB 811 is indeterminable as it is unknown how many individuals will violate the new provisions or whether the individuals convicted of a first offense of 28-632 will be sentenced to NDCS as there is a statutory presumption of probation for class IV felonies.

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.....	_____	_____	<u>0</u>	<u>0</u>