

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 provisions relating to assault with a bodily fluid against a public safety officer. The definition of public safety officer is broadened to include a health care professional.

Assault with a bodily fluid against a public safety officer is a Class I misdemeanor (Maximum — not more than one year imprisonment, or one thousand dollars fine, or both; Minimum — none).

If the bodily fluid strikes the eyes, mouth, or skin and was infected with the human immunodeficiency virus, hepatitis B, or hepatitis C, it is a 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).

The Supreme Court estimates no fiscal impact from this bill.

The Department of Correctional Services (NDCS) states that the bill has the potential to increase the number of convictions for assault with a bodily fluid against a public safety officer by including assaults against health care professionals. NDCS states it is unknown how many additional individuals would be convicted under the provisions of this bill. Therefore, this bill will have an indeterminate fiscal impact on NDCS. See the agency response attached for additional details not included in this fiscal note.

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 July-September 2017, the state inmate prison population was 155.70% of design capacity. Additionally, NDCS contracts with some counties to temporarily house prison inmates. If those inmates are included in the state prison population numbers, then the inmate prison population would be 158% of design capacity.

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.

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.

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.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
LB: 913	AM:	AGENCY/POLT. SUB: Nebraska Supreme Court (005)
REVIEWED BY: Joe Wilcox	DATE: 01/23/2018	PHONE: (402) 471-4178
COMMENTS: No basis to dispute the Nebraska Supreme Court estimate of No Fiscal Impact to the Agency from LB 913.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
LB: 913	AM:	AGENCY/POLT. SUB: Nebraska Department of Correctional Services (046)
REVIEWED BY: Joe Wilcox	DATE: 01/29/2018	PHONE: (402) 471-4178
COMMENTS: No basis to dispute the Nebraska Department of Correctional Services estimate of Indeterminate Fiscal Impact to the Agency from LB 913.		

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

2018

LB⁽¹⁾ 913

FISCAL NOTE

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

Prepared by: ⁽³⁾ Eric Asboe Date Prepared: ⁽⁴⁾ 1/22/18 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⁾ 913

FISCAL NOTE

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

Prepared by: ⁽³⁾ Jeff Beaty Date Prepared: ⁽⁴⁾ 1/26/18 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	=====	=====	=====	=====

Explanation of Estimate:

LB 913 amends the criminal offense of assault with a bodily fluid against a public safety officer to include health care professionals within the definition of public safety officer. Assault with a bodily fluid against a public safety officer is a Class 1 misdemeanor, unless the bodily fluid strikes a public safety officer in the eyes, mouth or skin and the individual knew they were infected with HIV, hepatitis B or C when the offense was committed in which case it is a Class 3A felony.

LB 913 has the potential to increase the number of convictions for assault with a bodily fluid against a public safety officer by including assaults against health care professionals. It is unknown how many additional individuals would be prosecuted and convicted due to the inclusion of health care professionals by LB 931 or how many of these assaults are currently prosecuted under existing assault statutes. The penalty for assault with a bodily fluid is also a class I misdemeanor, which is required to be served in county jail unless consecutive or concurrent to a felony conviction. As a result, the estimated fiscal impact on NDCS over the next biennium from LB 913 is indeterminable.

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.....	_____	_____	_____	_____