

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 marijuana penalties. It reduces the penalty for manufacturing or distributing one ounce or less of marijuana from a Class IIA felony (up to 20 years imprisonment) to 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).

The Supreme Court estimates no fiscal impact from this bill.

The Department of Correctional Services (NDCS) states that the fiscal impact is indeterminable as NDCS has no way to estimate how many persons will be convicted under the provisions of this bill. See the agency response attached for additional details not included in this fiscal note.

This bill could reduce the number of persons sent to prison, and it could also result in shorter prison sentences. This could result in per diem savings to NDCS because there could be fewer inmates and also inmates serving shorter sentences than under current law. 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.

Fewer people in prison could reduce the 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.

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: 970	AM:	AGENCY/POLT. SUB: Nebraska Department of Correctional Services (046)
REVIEWED BY: Joe Wilcox	DATE: 01/24/2018	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 970.		

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

2018

LB⁽¹⁾ 970

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾

Nebraska Department of Correctional Services

Prepared by: ⁽³⁾ Jeff Beaty

Date Prepared: ⁽⁴⁾ 1/17/18

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 970 reduces the penalty for manufacturing or distributing one ounce of marijuana or less from a class IIA felony to a class IV felony. LB 970 has the potential to reduce the sentence length and the number of individuals sentenced to the department of correctional services (NDCS) for distribution of small amounts marijuana, as class IV felonies have a presumption of probation.

The fiscal impact of LB 970 on NCS is indeterminable. There have been 162 admissions for marijuana distribution offenses over the last 3 years, but NDCS has no way to determine how many future admissions will be convicted under the reduced penalty provisions or how many will receive probation for a class IV felony and not be sentenced to prison. NDCS does not receive information on how much marijuana individuals possess when convicted, so there is no way to estimate how many of the current offenses would be sentenced under the reduced penalty for distributing less than one ounce proposed in LB 970.

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⁾ 970

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 EXPENDITURES</u>	<u>2019-20 EXPENDITURES</u>
	<u>18-19</u>	<u>19-20</u>		
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____