

FISCAL NOTE
LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)				
	FY 2021-22		FY 2022-23	
	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 provide for Class ICA and IDA felony classifications and change penalties.

Current penalties are as follows:

Class IC felony: Maximum — fifty years imprisonment; Mandatory minimum — five years imprisonment
 Class ID felony: Maximum — fifty years imprisonment; Mandatory minimum — three years imprisonment

LB32 penalties are as follows:

Class ICA felony: Maximum—fifty years imprisonment, minimum—five years imprisonment
 Class IDA felony: Maximum—fifty years imprisonment, minimum—three years imprisonment

The bill offers the prosecutor the discretion to charge either of the above penalties, one with mandatory minimum or one with just a minimum sentence.

This bill has the potential to reduce the prison population because the two new penalties created remove the mandatory minimum at the prosecutor's discretion.

The Department of Correctional Services (DCS) states that the potential reduction of the prison population is indeterminable.

If the impact of this bill is to decrease the prison population by more than current law, then DCS could see a reduction in their per diem costs. The FY20 per diem cost for an individual inmate was \$10,180 per year, which includes DCS inmates in county jails.

If the impact of this bill is to decrease the state prison inmate population by more than current law, this could reduce the prison population. The average daily prison population was 145% of design capacity as of December 2020.

DCS estimates that adding the new offenses into their sentence calculation application will cost \$3,000. At this time, there is no basis to disagree with this estimate but it should be noted that in a similar bill last year (LB985 2020), DCS did not estimate a cost to make these same changes. It is assumed DCS can handle the small increase in expenses with existing resources.

The Board of Parole estimates no significant impact from this bill.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
LB: 32	AM:	AGENCY/POLT. SUB: Nebraska Department of Correctional Services (46)
REVIEWED BY: Joe Wilcox	DATE: 01/14/2021	PHONE: (402) 471-4178
COMMENTS: No basis to dispute the Nebraska Department of Correctional Services (NDCS) estimate of Indeterminate long run Fiscal Impact to the Agency from potential changes in the number of inmates housed as a result of LB 32. Also, no basis to dispute the NDCS estimate of potential one-time fiscal impact to the Agency from adding and testing the new offense codes in the sentence calculation application in the electronic inmate file.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
LB: 32	AM:	AGENCY/POLT. SUB: Nebraska Board of Parole (15)
REVIEWED BY: Joe Wilcox	DATE: 01/20/2021	PHONE: (402) 471-4178
COMMENTS: No basis to dispute the Nebraska Board of Parole estimate of No Significant Fiscal Impact to the Agency from LB 32.		

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

2021

LB⁽¹⁾ 32

FISCAL NOTE

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

Prepared by: ⁽³⁾ Lisa Stanton Date Prepared: ⁽⁴⁾ 01/12/2021 Phone: ⁽⁵⁾ (402)479-5702

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2021-22</u>		<u>FY 2022-23</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	<u>3,000</u>	<u> </u>	<u> </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>3,000</u>	<u> </u>	<u> </u>	<u> </u>

Explanation of Estimate:

LB 32 provides for two new felony classifications and changes penalties. The bill could reduce the number of persons in prison. The specific amount of impact is indeterminable.

As of 01/10/2021, there were 906 inmates (17.2% of the active population) with either a conviction of a Class 1C or Class 1D felony, or both. Admissions for Class 1C and 1D felonies had been stable over the past four calendar years but slowed during 2020.

YEAR	ADMISSIONS
2016	143
2017	139
2018	151
2019	155
2020	114

As of December 2020, the average daily prison population (ADP) was 145% of Design capacity. The FY20 per diem cost is \$27.89 for each inmate, or \$10,180 per year.

NDCS estimates adding and testing the new offense codes in the sentence calculation application in the electronic inmate file will cost \$3,000.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2021-22</u>	<u>2022-23</u>
	<u>21-22</u>	<u>22-23</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
Benefits.....	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Operating.....	<u> </u>	<u> </u>	<u>3,000</u>	<u> </u>
Travel.....	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Capital outlay.....	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Aid.....	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Capital improvements.....	<u> </u>	<u> </u>	<u> </u>	<u> </u>
TOTAL.....	<u> </u>	<u> </u>	<u>3,000</u>	<u> </u>

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2021

LB⁽¹⁾ 32

FISCAL NOTE

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

Prepared by: ⁽³⁾ Rosalyn Cotton Date Prepared: ⁽⁴⁾ 1/15/2021 Phone: ⁽⁵⁾ 402 479-5731

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2021-22</u>		<u>FY 2022-23</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 LB 32.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2021-22</u>	<u>2022-23</u>
	<u>21-22</u>	<u>22-23</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____