

Updated to reflect amendments adopted through May 18, 2009.

**FISCAL NOTE**  
**LEGISLATIVE FISCAL ANALYST ESTIMATE**

<b>ESTIMATE OF FISCAL IMPACT – STATE AGENCIES *</b>				
	<b>FY 2009-10</b>		<b>FY 2010-11</b>	
	<b>EXPENDITURES</b>	<b>REVENUE</b>	<b>EXPENDITURES</b>	<b>REVENUE</b>
GENERAL FUNDS				
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS				

\*Does not include any impact on political subdivisions. See narrative for political subdivision estimates.

This bill, as amended, would adopt the Public Protection Act, change provisions relating to theft offenses and criminal impersonation, and create the offenses of identity theft and identity fraud. It changes the Uniform Deceptive Trade Practices Act. The amended bill would also authorize the aggregation of amounts under forgery in the second degree and criminal possession of a forged instrument.

Both the Attorney General and the State Patrol estimate no fiscal impact.

The Department of Correctional Services (DCS) states that the amended bill could result in additional prison time for persons convicted of a wide variety of offenses if convicted also of racketeering. DCS further notes that the bill could also result in a number of offenses which are currently prosecuted under federal statutes in the federal courts (racketeering) being prosecuted (if the State so chooses) in the Nebraska courts and the individuals serving time in Nebraska's correctional system rather than the Federal prison system. However, the extent of the impact of these provisions of the amended bill is not determinable.

Regarding the provisions of the amended bill that would authorize the aggregation of amounts under forgery and criminal possession of a forged instrument, the Department of Correctional Services states the following:

DCS admitted 108 individuals in FY2007 and 86 in FY2008; and 34 so far (½ yr) in FY2009 whose primary offense was forgery in the 2nd degree. Approximately 72% of those admitted were for Class 4 felonies. The range of sentences on each count is between 0 to 1 and 0 to 5 years, with a common term of 1-2 years. So far in FY2009, 15 of the individuals admitted were convicted on multiple counts of forgery. Some are serving sentences concurrently and some serving sentences consecutively, in addition to having been sentenced at the same time for other offenses. It is likely that more 2nd degree forgery misdemeanor cases will be aggregated into felony cases and that more Class 4 felony cases will be aggregated into Class 3 felonies. As a result, potentially more inmates will be admitted to DCS and sentences may be slightly longer.

DCS current total inmate population is 4424 (3/10/2009). The FY08 per diem (cost per day of feeding, clothing, housing, medical, etc) for an individual inmate was \$5,509 per year.