

FISCAL NOTE
 LEGISLATIVE FISCAL ANALYST ESTIMATE

| ESTIMATE OF FISCAL IMPACT – STATE AGENCIES * | | | | |
|---|---------------------|----------------|---------------------|----------------|
| | FY 2010-11 | | FY 2011-12 | |
| | EXPENDITURES | REVENUE | EXPENDITURES | REVENUE |
| 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 would change a penalty relating to child abuse.

The Department of Correctional Services (DCS) states that costs are indeterminate. The response follows:

LB984 increases the penalty for child abuse when the offense is committed knowingly and intentionally and results in serious bodily injury. The bill changes the penalty from a Class III felony (Maximum of 20 years, minimum of 1 year) to a Class II felony (Maximum of 50 years, minimum of 1 year)

DCS had six admissions in CY2008 and one admission in CY2009 where the sentence was for child abuse, Class III felony. The sentencing ranged from 3-5 years (1 individual) to 4-6 years (1); 4-7 years (1); 6-10 years (1); 12-16 years (1); 18-20 years (1); and 10-10 years (1). Only one of the admissions was for the maximum time. There are currently four individuals out of 16 incarcerated for this offense with a maximum sentence of 20 years. The lowest maximum time is 5 years (2 individuals).

While increasing the maximum penalty is likely to result in longer sentences, in at least some cases, the specific impact is not determinable.

DCS current inmate population is 4,447 (2/04/2010).
 The FY09 per diem (cost per day of feeding, clothing, housing, medical, etc) for an individual inmate was \$5,580/yr.