

5/11/11

PREPARED BY: Doug Nichols
DATE PREPARED: May 11, 2011
PHONE: 471-0052

LB 675

Revision: 02

Updated to reflect amendments adopted through May 10, 2011.

FISCAL NOTE

LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES *				
	FY 2011-12		FY 2012-13	
	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 provide and change penalties and enforcement relating to driving under the influence and the duty to stop at motor vehicle accidents and create an offense relating to certain controlled substances.

The Department of Correctional Services estimates no fiscal impact from the provisions of this bill and their response follows:

AM1380 to LB 675 changes the five-year mandatory minimum to a two-year minimum.

Currently the minimum sentence for a Class III felony is one year imprisonment, and the maximum is 20 years imprisonment. There are an average of 49 inmates admitted each year (47 in 2008; 56 in 2009; 44 in 2010) to the Nebraska Department of Correctional Services (NDCS) for Class III DUI felonies. The average minimum sentence is 2.59 years and the average maximum sentence is 4.5 years. The actual time served (assuming no loss of good time) is 1.3 years minimum and 2.25 yrs maximum.

As a result of the amendment eliminating a mandatory 5 year minimum and replacing it with a 2 year minimum, there is no fiscal impact.

The Legislative Fiscal Office analyst (LFO) has been in contact with the Supreme Court and the Court does not anticipate any fiscal impact from this bill, as amended.

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

2011

LB 675 AM 1380 FISCAL NOTE

State Agency OR Political Subdivision Name: (2) DEPARTMENT OF CORRECTIONAL SERVICES

Prepared by: (3) Robin Spindler

Date Prepared: (4) 5/11/2011 Phone: (5) 479-5711

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	FY 2011-2012		FY 2012-2013	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	\$0	_____	\$0	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
TOTAL FUNDS	\$0	_____	\$0	_____

Explanation of Estimate:

AM 1380 to LB 675 changes the five-year mandatory minimum to a two-year minimum.

Currently the minimum sentence for a Class III felony is one year imprisonment, and the maximum is 20 years imprisonment. There are an average of 49 inmates admitted each year (47 in 2008; 56 in 2009; 44 in 2010) to the Nebraska Department of Correctional Services (NDCS) for Class III DUI felonies. The average minimum sentence is 2.59 years and the average maximum sentence is 4.5 years. The actual time served (assuming no loss of good time) is 1.3 years minimum and 2.25 yrs maximum.

As a result of the amendment eliminating a mandatory 5 year minimum and replacing it with a 2 year minimum, there is no fiscal impact.

MAJOR OBJECTS OF EXPENDITURE

Personal Services:

POSITION TITLE	NUMBER OF POSITIONS		2011 -2012	2012-2013
	11-12	12-13	EXPENDITURES	EXPENDITURES
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits	_____	_____	_____	_____
Operating	_____	_____	\$0__	\$0__
Travel	_____	_____	_____	_____
Capital outlay	_____	_____	_____	_____
Aid	_____	_____	_____	_____
Other	_____	_____	_____	_____
Capital improvements	_____	_____	_____	_____
TOTAL	_____	_____	_____	_____