PREPARED BY: DATE PREPARED: PHONE: Doug Nichols January 16, 2013 402-471-0052

LB 148

Revision: 00

FISCAL NOTE

LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT - STATE AGENCIES (See narrative for political subdivision estimates)					
	FY 2013-14		FY 2014-15		
	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 include ammunition in certain offenses involving firearms. The offenses have the following penalties attached to them:

Unlawful transfer of a firearm or <u>ammunition</u> to a juvenile is a Class III felony (Maximum — twenty years imprisonment, or twenty-five thousand dollars fine, or both; Minimum — one year imprisonment).

Possession of a deadly weapon which is not a firearm <u>or ammunition</u> by a prohibited person is a Class III felony (Maximum — twenty years imprisonment, or twenty-five thousand dollars fine, or both; Minimum — one year imprisonment).

Possession of a deadly weapon which is a firearm <u>or ammunition</u> by a prohibited person is a Class ID felony for a first offense (Maximum — fifty years imprisonment; Mandatory <u>minimum</u> — three years imprisonment), and a Class IB felony for a second or subsequent offense (Maximum — life imprisonment; Minimum — twenty years imprisonment).

Transferring a firearm <u>or ammunition</u> to a person who is prohibited from receipt or possession of such items by state or federal law is a Class IV felony (Maximum — five years imprisonment, or ten thousand dollars fine, or both; Minimum — none).

The provisions of this bill could impact state and local criminal justice resources (courts, law enforcement, prosecutors, public defenders, probation, prisons, and jails). It is unknown how many individuals would violate the provisions of this bill, and therefore, it will have an indeterminate impact on criminal justice expenditures. Additionally, any fines assessed pursuant to convictions will accrue to the county where the violation occurs to be used for the support of public schools.

The Nebraska Department of Correctional Services (NDCS) states that this bill will have an indeterminate fiscal impact. They also state that this bill's impact on future admissions is not determinable. The response of NDCS is attached and contains additional information.

The FY12 per diem for an individual inmate was \$6,454 per year. This is the cost for food, medical care, inmate wages, clothing, cleaning supplies, food service supplies, cell and dorm supplies, other supplies, and transportation.

As of December 31, 2012, the inmate population was 143.81% of design capacity.

ADMINISTRATIVE SERVICES-STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSES				
LB: LB 148 AM: AGENCY/POLT. SUB: Department of Correctional Services (046)				
REVIEWED BY: Joe Wilcox			DATE: January 16 th , 2013	PHONE: (402) 471-4178
COMMENTS: No basis to dispute agency analysis of indeterminate fiscal impact on the Department of Correctional Services.				

LB ⁽¹⁾	148	FISCAL	NOTE
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TOTAL.....

State Agency OR Political Subdivision Name: (2)		Nebraska Department of Correctional Services (NDCS)			
Prepared by: (3) Chri	stina Peters	Date Prepared: (4)	January 16, 2013	Phone: (5)	(402) 479-5702
	ESTIMATE PROVI	DED BY STATE AGE	NCY OR POLITICAI	L SUBDIVIS	ION
		2013-14		FY 2014	
	EXPENDITURES	<u>REVENUE</u>	EXPENDITU	<u>JRES</u>	<u>REVENUE</u>
GENERAL FUNDS	Indeterminable				
CASH FUNDS					
FEDERAL FUNDS			_		
OTHER FUNDS			_		
TOTAL FUNDS				<u> </u>	
Return by date specified of Explanation of Estimat		c hearing, whichever is e	<u>arlier.</u>		
Fiscal Impact – Indeter	minable.				
The impact on NDCS r		sions is not determina	ble. NDCS currently	has custody	of inmates with
charges of the followin	g: Use of a firearm to	commit felony – 204; F	Possession of a firear	m by a fugitiv	ve/felon – 112;
Unlawful discharge of	a firearm – 43; Posses	sion / receiving a stole	en firearm – 32; Carry	ring / posses	sing concealed
weapon – 22; Possess		_	_	• .	•
Unlawful transfer of a f				J	
The FY12 per diem (co	ost per day of feeding,	clothing, housing, med	dical, etc.) for an indiv	vidual inmate	was \$6,454 per
year.		-			•
	MAJ	OR OBJECTS OF EXI	PENDITURE		
Personal Services:					
POSITION T		JMBER OF POSITION 13-14 14-15	VS 2013-14 <u>EXPENDITU</u>		2014-15 EXPENDITURES
Benefits					
Operating					
Travel					
Capital outlay					
Aid Capital improvements.					
Capital improvements.					