

FISCAL NOTE
LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)				
	FY 2017-18		FY 2018-19	
	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 change provisions relating to possession of a deadly weapon by person subject to a domestic violence protection order.

If the impact of this bill is to lengthen the amount of time spent in prison or increase the number of persons sent to prison, then this bill could increase the inmate prison population.

As of July-September 2016, the state inmate prison population was 156.72% of design capacity. In July-September 2015, the state inmate prison population was 156.47% of design capacity. Additionally, the Department of Correctional Services (DCS) contracts with some counties to temporarily house prison inmates. If those inmates are included in the state prison population numbers, then the July-September 2016 inmate prison population would be 162.72% of design capacity.

For informational purposes, the Department of Correctional Services (NDCS) estimates the cost per offender (All facilities including Parole) at \$31,271 for FY16. This cost represents an average cost of all General, Cash, and Federal expenditures excluding aid, depreciation, and Capital Construction expenditures. For every inmate, NDCS incurs per diem costs. This is the cost for food, medical care, inmate wages, clothing, cleaning supplies, food service supplies, cell and dorm supplies, other inmate related supplies, laundry, inmate property, miscellaneous contractual services, and inmate transportation. The FY16 per diem cost for an individual inmate was \$9,484 per year.

The Department of Correctional Services (NDCS) states that the fiscal impact of the bill is indeterminable at this time. See the agency response attached for additional details not included in this fiscal note.

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

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSES		
LB: 394	AM:	AGENCY/POLT. SUB: Nebraska Department of Correctional Services (46)
REVIEWED BY: Joe Wilcox	DATE: 2/21/2017	PHONE: (402) 471-4178
COMMENTS: No Basis to dispute the Nebraska Department of Correctional Services estimate of Indeterminate Fiscal Impact to the Agency from LB 394.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSES		
LB: 394	AM:	AGENCY/POLT. SUB: Nebraska Board of Parole (15)
REVIEWED BY: Joe Wilcox	DATE: 2/02/2017	PHONE: (402) 471-4178
COMMENTS: No Basis to dispute the Nebraska Board of Parole estimate of No Fiscal Impact to the Agency from LB 394.		

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

2017

LB⁽¹⁾ 394

FISCAL NOTE

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

Prepared by: ⁽³⁾ Sara Sump Date Prepared: ⁽⁴⁾ 1/17/17 Phone: ⁽⁵⁾ 402.479.5702

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2017-18</u>		<u>FY 2018-19</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</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>0</u>	<u>0</u>	<u>0</u>	<u>0</u>

Explanation of Estimate:

LB 394 expands the criminal offense of possession of a deadly weapon by a prohibited person to include possession of a deadly weapon by an individual who is subject to a valid harassment protection order and is knowingly violating that order. Currently the statute prohibits possession of a deadly weapon by former felons, fugitives from justices and persons subject to a valid domestic assault protection order who is knowingly violating such order.

Possession of a deadly weapon by a prohibited person is a Class ID felony (3-50 w/ 3yr mandatory minimum) for the first offense and a 1B felony (20-life) for a second offense if the weapon is a firearm and a Class III felony if the weapon is not a firearm. Violation of a harassment protection order carries a penalty of a Class II misdemeanor, which is not prison eligible.

It is unknown how many individuals currently violate harassment protection orders while in possession of a firearm or other deadly weapon or how many of those cases would be prosecuted under the new definition. As a result the fiscal impact of LB 394 is indeterminable at this time.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2017-18</u>	<u>2018-19</u>
	<u>17-18</u>	<u>18-19</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
Benefits.....	<u></u>	<u></u>	<u></u>	<u></u>
Operating.....	<u></u>	<u></u>	<u></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>0</u>	<u>0</u>

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

2017

LB⁽¹⁾ 394

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ Board of Parole – Parole Administration (Agency 15)

Prepared by: ⁽³⁾ Rosalyn Cotton Date Prepared: ⁽⁴⁾ 2-2-17 (402) 479-5731

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	FY 2017-18		FY 2018-19	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	_____	_____	_____	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
TOTAL FUNDS	=====	=====	=====	=====

Explanation of Estimate:

No fiscal impact.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

POSITION TITLE	NUMBER OF POSITIONS		2017-18	2018-19
	17-18	18-19	EXPENDITURES	EXPENDITURES
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____