

**FISCAL NOTE**  
 LEGISLATIVE FISCAL ANALYST ESTIMATE

<b>ESTIMATE OF FISCAL IMPACT – STATE AGENCIES</b> (See narrative for political subdivision estimates)				
	<b>FY 2023-24</b>		<b>FY 2024-25</b>	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	\$5,482,046		\$4,441,246	
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
<b>TOTAL FUNDS</b>	<b>\$5,482,046</b>		<b>\$4,441,246</b>	

Any Fiscal Notes received from state agencies and political subdivisions are attached following the Legislative Fiscal Analyst Estimate.

LB 557 amends sections 83-170, 83-173.03, and 83-4,114. The bill also looks to provide, change, and eliminate definitions and to change provisions relating to restrictive housing and solitary confinement.

The bill would alter the definition of solitary confinement to mean confinement of an inmate for at least twenty-two hours per day in an individual prison cell and the cell denies the inmate of all contact with other persons, the inmate will also have limited or no natural light. Reading materials, visitation, and group activities will be limited or denied. The bill will also limit any inmate from being in restrictive housing for more than fifteen consecutive days.

Expenditures:

The Nebraska Department of Correction Services (NDCS) states that the changing the amount of time from one to two hours of inmates being out of their cell would require additional staff at the Nebraska State Penitentiary (NSP), Tecumseh State Correctional Institution (TSCI), and Reception & Treatment Center (RTC) to coordinate and handle the movement. NDCS would have inmate movement 24/7 in restrictive housing units of NSP, TSCI, RTC and Omaha Correctional Center (OCC). When an inmate is released out of the cell it would take two staff escorts to warrant safe movement and supervision. NDCS would require 5.2 full time employees (FTE) to staff one post at a facility for 24 hours and 7 days a week. The agency states that in order to provide the 24/7 staffing in all restrictive housing units and manage the extra hour inmates would be out of cell that it would need an additional 56 FTE.

The staffing requirements needed by NDCS would cost an estimated total of \$4,573,532, which \$3,217,136 is for PSL, \$1,125,998 for benefits, and \$230,398 for uniforms, radios and other equipment and services needed. The agency states that they would need to install outdoor lighting in the yards to provide the out of cell time. The light poles and lights have an estimated cost of \$108,514.

NDCS would need to contract with a vendor for a study and develop a program statement identifying necessary facility modifications as the most of the current facilities are not physically designed to accommodate this safely. The estimate of the cost of the study and program statement is estimated at \$800,000.

<b>ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY &amp; POLT. SUB. RESPONSE</b>		
<b>LB: 557</b>	<b>AM:</b>	<b>AGENCY/POLT. SUB: Nebraska Department of Correctional Services (046)</b>
REVIEWED BY: Joe Wilcox	DATE: 01/25/2023	PHONE: (402) 471-4178
COMMENTS: No basis to dispute the Nebraska Department of Correctional Services estimate of Potential Fiscal Impact to the Agency from LB 557.		

<b>ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY &amp; POLT. SUB. RESPONSE</b>		
<b>LB: 557</b>	<b>AM:</b>	<b>AGENCY/POLT. SUB: Nebraska Department of Health and Human Services (025)</b>
REVIEWED BY: Joe Wilcox	DATE: 01/24/2023	PHONE: (402) 471-4178
COMMENTS: Do not disagree with the Nebraska Department of Health and Human Services (DHHS) estimate of No Fiscal Impact to the Agency from LB 557.		

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

**2023**

**LB<sup>(1)</sup> 557**

**FISCAL NOTE**

State Agency OR Political Subdivision Name: <sup>(2)</sup> Nebraska Department of Correctional Services

Prepared by: <sup>(3)</sup> Lisa Stanton Date Prepared: <sup>(4)</sup> 01/23/2023 Phone: <sup>(5)</sup> (402)479-5702

**ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION**

	<u>FY 2023-24</u>		<u>FY 2024-25</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	\$5,482,046		\$4,441,246	
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
<b>TOTAL FUNDS</b>	<u>\$5,482,046</u>		<u>\$4,441,246</u>	

**Explanation of Estimate:**

LB 557 limits the use of restrictive housing and solitary confinement.

Since existing restrictive housing inmates often have some limitation on either property, visitation, or participation in group activities, to comply with the new definition of solitary confinement those incarcerated individuals would need to be out of their cells for at least two hours each day. Current practice allows restrictive housing inmates approximately one hour out of cell time each day. Accommodating the additional time will require additional staff at NSP, TSCI and RTC to coordinate and handle the movement, as well as moving to a 24/7 operational day (inmate movement 24/7) in the restrictive housing units at NSP, TSCI, RTC, and OCC. During FY 2022 NDCS had a restrictive housing average daily population of 242 inmates. When an inmate is released out of their cell it takes two staff escorts to ensure safe movement and supervision for all individuals involved. To staff one post at a facility 24 hours a day seven days a week requires 5.2 FTE. NDCS will need an additional 56 FTE to provide 24/7 staffing in all restrictive housing units and to manage the out of cell time requirement in this bill.

The staffing requirements identified above total an estimated cost of \$4,573,532. This amount includes \$3,217,136 for PSL, \$1,125,998 for benefits and \$230,398 for uniforms, radios and other equipment and services. The 56 FTE breakdown as follows: 32 Corporals, 11 Sergeants, 9 Unit Caseworkers and 4 Lieutenants.

To comply with the solitary confinement changes, NDCS would also need to install outdoor lighting in the RHU yards to provide extended yard hours and facilitate additional out-of-cell time at NSP, TSCI, RTC, and OCC. The estimated cost for light poles and lights is \$108,514.

LB 557 changes the definition of restrictive housing to out-of-cell time of less than ten hours per day and adds that no inmate shall be held in restrictive housing for more than fifteen consecutive days. In order to do so, smaller yards would need to be constructed, and dayroom, dining and programming space would need to be added. Current facilities are not physically designed to accommodate this safely and with adequate supervision. NDCS would contract with a vendor to do a study and develop a program statement identifying necessary facility modifications at all of our facilities, except the two community correction's facilities and the Work Ethic Camp, and project costs. The cost of the study and program statement is estimated at \$800,000. Following completion of the study and program statement NDCS will assess additional staffing needs.

**BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE**

**Personal Services:**

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2023-24</u>	<u>2024-25</u>
	<u>23-24</u>	<u>24-25</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>

Corporals	32.0	32.0	\$1,763,840	\$1,763,840
Sergeants	11.0	11.0	\$697,840	\$697,840
Unit Caseworkers	9.0	9.0	\$496,080	\$496,080
Lieutenants	4.0	4.0	\$259,376	\$259,376
Benefits.....			\$1,125,998	\$1,125,998
Operating.....			\$1,138,912	\$98,112
Travel.....				
Capital outlay.....				
Aid.....				
Capital improvements.....				
TOTAL.....			\$5,482,046	\$4,441,246

**ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION**

State Agency or Political Subdivision Name:(2) Department of Health and Human Services

Prepared by: (3) John Meals

Date Prepared 1/24/23

Phone: (5) 471-6719

	<u>FY 2023-2024</u>		<u>FY 2024-2025</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
<b>GENERAL FUNDS</b>				
<b>CASH FUNDS</b>				
<b>FEDERAL FUNDS</b>				
<b>OTHER FUNDS</b>				
<b>TOTAL FUNDS</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Return by date specified or 72 hours prior to public hearing, whichever is earlier.

**Explanation of Estimate:**

There is no fiscal impact to the Department of Health and Human Services.

**MAJOR OBJECTS OF EXPENDITURE**

PERSONAL SERVICES:	POSITION TITLE	NUMBER OF POSITIONS		2023-2024 EXPENDITURES	2024-2025 EXPENDITURES
		23-24	24-25		
Benefits.....					
Operating.....					
Travel.....					
Capital Outlay.....					
Aid.....					
Capital Improvements.....					
<b>TOTAL.....</b>				<b>\$0</b>	<b>\$0</b>