

Min

PREPARED BY: Doug Nichols
DATE PREPARED: February 23, 2011
PHONE: 471-0052

LB 202

Revision: 01

Updated to include the response of the Nebraska Department of Correctional Services.

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 authorize petitions for recall and resentencing for certain minors sentenced to life imprisonment.

The Supreme Court states that this bill may impact judicial workload but estimates no significant fiscal impact.

The Nebraska Department of Correctional Services (NDCS) states that there may be a savings to them, but at this time the fiscal impact is not determinable. The NDCS response follows:

LB202 would allow persons who were sentenced to life imprisonment, who were under 18 years of age at the time of the crime, who were sentenced for murder in the 1st or 2nd degree, and have served at least 25 years of the sentence, to submit a petition for recall and resentencing. Persons who have served 20 or more years but not more than 25 years as of January 1, 2012 shall not be permitted to submit a petition until they have served 25 years. Persons who have served 15 or more years but less than 25 years shall be permitted to submit a petition as follows:

- If entered custody before July 1, 1994 may submit a petition in 2012
- If entered custody between July 1, 1994 but before January 1, 1995 may submit a petition in 2013
- If entered custody on or after January 1, 1995, but prior to July 1, 1995 may submit a petition in 2014
- If entered custody between July 1, 1995 but before January 1, 1997 may submit a petition in 2015.

DCS currently has 30 individuals incarcerated who were admitted at age 18 or less, serving life sentences for murder. Six of the individuals were admitted in the 1970s; five were admitted in the 1980s; eight were admitted in the 1990s; three were admitted in the 2000s; and two have been admitted in the 2010s.

It is unknown how many individuals would be successful in their petitions, and also not known how the sentences might be re-structured, therefore a fiscal impact is not determinable. However, if any of the sentences were changed to a specific minimum number of years, it is possible some of these individuals would be paroled. If the maximum term were changed to a specific number of years, the individuals would be released upon completion of their sentence (1/2 of the maximum term, if good time not lost). There would be savings to the Nebraska Department of Correctional Services.

DCS current inmate population is 4, 5613 (2/15/2011 Tuesday Count). The FY10 per diem (cost per day of feeding, clothing, housing, medical, etc) for an individual inmate was \$15.41 per day or \$5,625/yr.

DEPARTMENT OF ADMINISTRATIVE SERVICES

REVIEWED BY	Joe Wilcox	2/22/11	PHONE 471-2526
COMMENTS			
DEPT. OF CORRECTIONAL SERVICES – No basis to dispute agency analysis.			

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FEB 22 2011

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LB 202 FISCAL NOTE

LEGISLATIVE FISCAL

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

Prepared by: (3) Kate Morris

Date Prepared: (4) 2/18/2011 Phone: (5) 479-5702

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	FY 2011-2012		FY 2012-2013	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	not determinable	_____	_____	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
TOTAL FUNDS	_____	_____	_____	_____

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

Explanation of Estimate:

LB202 would allow persons who were sentenced to life imprisonment, who were under 18 years of age at the time of the crime, who were sentenced for murder in the 1st or 2nd degree, and have served at least 25 years of the sentence, to submit a petition for recall and resentencing. Persons who have served 20 or more years but not more than 25 years as of January 1, 2012 shall not be permitted to submit a petition until they have served 25 years. Persons who have served 15 or more years but less than 25 years shall be permitted to submit a petition as follows:

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MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2011 -2012</u> <u>EXPENDITURES</u>	<u>2012-2013</u> <u>EXPENDITURES</u>
	<u>11-12</u>	<u>12-13</u>		
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits			_____	_____
Operating			_____	_____
Travel			_____	_____
Capital outlay			_____	_____
Aid			_____	_____
Other			_____	_____
Capital improvements			_____	_____
TOTAL			_____	_____