

7mm

PREPARED BY: Doug Nichols  
DATE PREPARED: April 7, 2011  
PHONE: 471-0052

LB 251

Revision: 01

# FISCAL NOTE

LEGISLATIVE FISCAL ANALYST ESTIMATE

Updated to reflect amendments adopted through April 7, 2011.

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, as amended, authorizes a person who was under 18 years of age at the time of committing an offense for which the person was sentenced to life imprisonment to petition the Board of Pardons for a commutation of their sentence.

The Supreme Court and the Board of Pardons and Parole estimate no fiscal impact from the provisions of this bill.

The Nebraska Department of Correctional Services (NDCS) states that the fiscal impact is not determinable and their response follows:

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 restructured. 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 (half of the maximum term, if good time not lost).

The FY 10 per diem (cost per day of feeding, clothing, housing, medical, etc) for an individual inmate was \$15.41 per day or \$5,625/year.

The fiscal impact is not determinable.

DEPARTMENT OF ADMINISTRATIVE SERVICES

REVIEWED BY	Joe Wilcox	DATE	4/01/11	PHONE	471-2526
COMMENTS					
DEPARTMENT OF CORRECTIONAL SERVICES: AM945 to LB 251 incorporates provisions of LB 202 and replaces the bill. No basis to dispute agency analysis for DCS relative to AM945 to LB 251.					
BOARD OF PARDONS AND PAROLE: Concur with agency analysis for the Board of Pardons and Parole. AM945 to LB 251 is actually LB 202.					

RECEIVED

APR 05 2011

2011

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

LB 251 as amended by AM 945 FISCAL NOTE

LEGISLATIVE FISCAL NOTE

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

Prepared by: ( Robin Spindler

Date Prepared: 4/4/11 (4)

Phone: (5) 479-5711

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	FY 2011-2012		FY 2012-2013	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	indeterminable	_____	_____	_____
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:

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 1908s; eight were admitted in the 1990s; three were admitted in the 2000s; and to have been admitted in the 2010s.

It is unknown how many individuals would be successful in the petitions and how the sentences might be restructured. 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 were be paroled. If the maximum term were changed to a specific number of years, the individuals would be released upon completion of their sentence (half of the maximum term, if good time was not lost).

The FY 10 per diem (cost per day of food, clothing, housing, medical, etc.) for an individual inmate is \$15.41/per day or \$5,625/year.

The fiscal impact is not determinable.

MAJOR OBJECTS OF EXPENDITURE

Personal Services: \_\_\_\_\_

POSITION TITLE	NUMBER OF POSITIONS		2011 -2012	2012-2013
	11-12	12-13	EXPENDITURES	EXPENDITURES
Benefits .....	_____	_____	_____	_____
Operating .....	_____	_____	_____	_____
Travel .....	_____	_____	_____	_____
Capital outlay .....	_____	_____	_____	_____
Aid .....	_____	_____	_____	_____
Other .....	_____	_____	_____	_____
Capital improvements .....	_____	_____	_____	_____
TOTAL .....	_____	_____	indeterminable__	_____

RECEIVED

2011

MAR 30 2011

LEGISLATIVE

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

LB<sup>(1)</sup> 251, FISCAL NOTE  
AM  
945

State Agency OR Political Subdivision Name: <sup>(2)</sup>  
Board of Pardons & Parole

Board of Pardons & Parole

Prepared by: <sup>(3)</sup> Esther L. Casmer, Chair Date Prepared: <sup>(4)</sup> 3-30-11 Phone: <sup>(5)</sup> 402-471-2156

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

	FY 2011-2012		FY 2012-2013	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS				
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:

No fiscal impact.

**MAJOR OBJECTS OF EXPENDITURE**

Personal Services:

POSITION TITLE	NUMBER OF POSITIONS		2011-2012 EXPENDITURES	2012-2013 EXPENDITURES
	11-12	12-13		
Benefits.....				
Operating.....				
Travel.....				
Capital outlay.....				
Aid.....				
Capital improvements.....				
TOTAL.....				

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

2011

**LB**<sup>(1)</sup> 251, **FISCAL NOTE**  
AM945

State Agency OR Political Subdivision Name: <sup>(2)</sup> Supreme Court

Prepared by: <sup>(3)</sup> Eric Asboe Date Prepared: <sup>(4)</sup> 3/31/11 Phone: <sup>(5)</sup> 1-4138

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

	<u>FY 2011-2012</u>		<u>FY 2012-2013</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	_____	_____	_____	_____
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:

No fiscal impact.

**MAJOR OBJECTS OF EXPENDITURE**

Personal Services:

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