

ARM

PREPARED BY:
DATE PREPARED:
PHONE:

Doug Nichols
January 31, 2011
471-0052

LB 677

Revision: 00

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 provide criminal penalties for assault on a health care provider in the first, second, and third degrees.

This bill is estimated to have a minimal impact on the Department of Correctional Services (DCS), and their response follows:

LB 677 provides for longer minimum sentences for persons convicted of assault on a health care provider. The bill includes provisions that:

- 1) A person who is convicted of assault in the 1st degree (Class II felony 1-50 yrs imprisonment) on a health care provider shall be sentenced to not less than two years imprisonment.
- 2) A person who is convicted of assault in the 2nd degree (Class III felony- 1-20 year's imprisonment) on a health care provider shall be sentenced to not less than one year's imprisonment.
- 3) A person who is convicted of assault in the 3rd degree (Class I misdemeanor 0-1 yr imprisonment), on a health care provider shall be sentenced to not less than six months imprisonment.

There were 32 individuals in 2009 and 47 individuals in 2010 admitted to the Nebraska Department of Correctional Services (NDCS) for 1st degree assault. Only 8 of these 79 individuals (10%) had minimum sentences less than two years. Increasing the minimum for this offense could increase costs to the NDCS. The impact is not determinable, but is assumed to be minimal.

The minimum sentence for assault in the 2nd degree on a health care worker is the minimum sentence for a Class III felony; therefore there would be no impact of this provision on NDCS.

DCS current inmate population is 4,599 (1/18/2011 Tuesday Count).
The FY10 per diem (cost per day of feeding, clothing, housing, medical, etc) for an individual inmate was \$5,625/yr.

DEPARTMENT OF ADMINISTRATIVE SERVICES

REVIEWED BY	Joe Wilcox	DATE	1/31/11	PHONE	471-2526
COMMENTS					
DEPARTMENT OF CORRECTIONAL SERVICES: No basis to dispute agency analysis for the DCS.					

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

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 JAN 31 2011
 LEGISLATIVE FISCAL

2011

LB 677 FISCAL NOTE

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

Prepared by: (3) Kate Morris Date Prepared: (4) 1/31/2011 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:

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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
Other
Capital improvements
TOTAL

