

FISCAL NOTE
LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)				
	FY 2015-16		FY 2016-17	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	(377,572)		(377,572)	
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	(377,572)		(377,572)	

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

This bill would change where certain sentences of imprisonment may be served. This act becomes operative on October 1, 2015.

The Department of Correctional Services (DCS) estimates \$377,572 less in per diem costs per year. This savings is based on 53 fewer inmates per year. The FY14 per diem cost for an individual inmate was \$7,124 per year. This is the cost for food, medical care, inmate wages, clothing, cleaning supplies, food service supplies, cell and dorm supplies, other supplies, and transportation.

As of January 31, 2015, the inmate prison population was almost 160% of design capacity. On January 31, 2014, the inmate prison population was almost 155% of design capacity.

The Department of Administrative Services estimates no fiscal impact from this bill.

The Nebraska Association of County Officials (NACO) states that inmates serving sentences in county jails would likely increase; thereby increasing costs to counties to house such inmates, but the fiscal impact is indeterminate.

Lancaster County estimates a \$2 million per year impact, and Douglas County estimates a \$1.7 million impact. See their attached responses for details.

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

2015

LB⁽¹⁾ 119

**FISCAL
NOTE**

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

Prepared by: ⁽³⁾ Bo Botelho Date Prepared: ⁽⁴⁾ 01/15/2015 Phone: ⁽⁵⁾ 402-471-0972

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2015-16</u>		<u>FY 2016-17</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	_____	_____	_____	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
TOTAL FUNDS	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>

Explanation of Estimate:

LB119 changes where certain sentences of imprisonment may be served; whether in institutions under the jurisdiction of the Department of Correctional Services or in county jail as detailed in LB119.

The bill would have no fiscal impact on the Department of Administrative Services.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2015-16</u>	<u>2016-17</u>
	<u>15-16</u>	<u>16-17</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____

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

2015

LB⁽¹⁾ 119

FISCAL NOTE

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

Prepared by: ⁽³⁾ Chris Peters Date Prepared: ⁽⁴⁾ 1/20/2015 Phone: ⁽⁵⁾ (402) 479-5702

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2015-16</u>		<u>FY 2016-17</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	<u>(\$377,572)</u>		<u>(\$377,572)</u>	
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	<u><u>(\$377,572)</u></u>		<u><u>(\$377,572)</u></u>	

Explanation of Estimate:

LB 119 amends section 28-105 to require that sentences of more than 1 year for Class IIIA or Class IV felonies be served in an NDCS facility. Currently, sentences of one year or more for a Class IIIa or IV felony are required to be served in an NDCS facility and sentences of less than one year must be served in county jail. LB 119 changes the threshold from one year or more to more than one year with the result that sentences with a 1 year maximum will be served in jail rather than prison.

NDCS receives a significant number of inmates who receive a maximum sentence of exactly 1 year. Assuming that sentencing practices do not change as a result of this legislation, admissions would drop by 181 inmates per year, or 7% of FY2014 admissions if these offenders were sentenced to jail instead of prison. However, the average daily population of the NDCS system would be reduced by only 1%, or 53 inmates, due to the relatively short lengths of stay for these inmates.

Using the 2014 Per Diem rate (annual cost of food, clothing, housing, medical, etc. for each inmate) of \$7,124, the maximum impact of this bill is estimated to reduce inmate related expenses by \$377,572 per year.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2015-16 EXPENDITURES</u>	<u>2016-17 EXPENDITURES</u>
	<u>15-16</u>	<u>16-17</u>		
Benefits.....				
Operating.....			<u>(\$377,572)</u>	<u>(\$377,572)</u>
Travel.....				
Capital outlay.....				
Aid.....				
Capital improvements.....				
TOTAL.....			<u><u>(\$377,572)</u></u>	<u><u>(\$377,572)</u></u>

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

2015

LB⁽¹⁾ 119

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾

Lancaster County Department of Corrections

Prepared by: ⁽³⁾ LT Will McGlothlin

Date Prepared: ⁽⁴⁾ 1/16/15

Phone: ⁽⁵⁾ 402-441-1919

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2015-16</u>		<u>FY 2016-17</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	\$2,000,000		\$2,000,000	
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS				

Explanation of Estimate: In the past 12 months Lancaster County has sent 268 felony 3,3A and 4 offenders to the Nebraska Department of Correctional Services. We are assuming the upper sentence level of these inmates is not included in this impact statement. Knowing inmates are credited for time served in a pre-trial capacity, and accrue good time, we feel we would add 59 inmates per day to our average daily population. By using an average cost of \$94.00 per day the impact to our FY15, would be approximately \$2,000,000. With this potentially growing population, we would be concerned our bed capacity would be limited in the following years. The County would be hard pressed to find available bed space for pre-trial offenders.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2015-16</u>	<u>2016-17</u>
	<u>15-16</u>	<u>16-17</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
Benefits.....				
Operating.....				
Travel.....				
Capital outlay.....				
Aid.....				
Capital improvements.....				
TOTAL.....				

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

2015

LB⁽¹⁾ 119

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾

Nebraska Association of County Officials (NACO)

Prepared by: ⁽³⁾ Elaine Menzel

Date Prepared: ⁽⁴⁾ 1/14/2015

Phone: ⁽⁵⁾ 402-434-5660

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2015-16</u>		<u>FY 2016-17</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	_____	_____	_____	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
TOTAL FUNDS	=====	=====	=====	=====

Explanation of Estimate:

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2015-16</u>	<u>2016-17</u>
	<u>15-16</u>	<u>16-17</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....			_____	_____
Operating.....			_____	_____
Travel.....			_____	_____
Capital outlay.....			_____	_____
Aid.....			_____	_____
Capital improvements.....			_____	_____
TOTAL.....			_____	_____

LB 119 would provide that sentences of one year or less of Class IIIA and IV felonies may be served in a county jail with some exception. The number of inmates to serve sentences in county jails would likely be increased thus increasing the costs to counties for housing such individuals. The fiscal impact is indeterminate.