

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	See Below			
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS				

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

This bill would provide for additional mandatory minimum sentencing as prescribed.

The Department of Correctional Services (DCS) notes that this bill could add an additional 678 years in additional sentences each year, but the timing of when those years will be served cannot be determined at this time. See the attached DCS response for details.

For every inmate, the Department of Correctional Services (DCS) incurs per diem costs. 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.

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

2015

LB⁽¹⁾ 545

FISCAL NOTE

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

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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>Indeterminable</u>	<u>Indeterminable</u>	<u>Indeterminable</u>	<u>Indeterminable</u>

Explanation of Estimate:

LB 545 proposes to require that the minimum term for any crime committed by an individual while serving a sentence under the jurisdiction of the Nebraska Department of Correctional Services shall be a mandatory minimum sentence and that such sentence shall be consecutive to any previously imposed sentence.

This legislation will have the impact of increasing the length of stay for crimes committed by incarcerated individuals as good time cannot be earned during the mandatory minimum portion of a sentence. As a result of not earning good time during the mandatory minimum portion of the sentence, the offenders mandatory discharge date is extended by one-half of the mandatory minimum period. For example an inmate who receives a 5-10 year sentence in the status quo would serve 5 years before discharge with good time, while the same individual under LB 545 with a 5 year mandatory minimum, would serve 7.5 years.

In FY 2014, 266 inmates received a total of 391 additional sentences for crimes committed while incarcerated. The average minimum term for those offenses was 5.1 years. If these additional sentences carried a mandatory minimum term, inmates in FY 2014 who committed new crimes would serve an additional 2.55 years in prison or on parole at the end of their combined sentence. As the impact of this change occurs at the end of the combined sentences due to the mandatory minimum, the impact of this legislation will not be seen in the Department's average daily population until after the original sentence the inmate was incarcerated for has been completed. While it is possible to calculate that under LB 545 the additional crimes committed by incarcerated persons will add approximately 678 years in additional sentences each year due to the mandatory minimum requirement, the timing of when those years will be served cannot be estimated accurately. As a result, while there will be a negative fiscal impact on the Department if this legislation is adopted, it cannot be determined if or how much of this fiscal impact will occur over the next biennium.

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.....

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____