

FISCAL NOTE
LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)				
	FY 2017-18		FY 2018-19	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS				
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 change provisions relating to escape.

If the impact of this bill is to increase the inmate prison population by more than current law, then this bill could increase the inmate prison population. As of July-September 2016, the state inmate prison population was 156.72% of design capacity. In July-September 2015, the state inmate prison population was 156.47% of design capacity. Additionally, the Department of Correctional Services (NDCS) contracts with some counties to temporarily house prison inmates. If those inmates are included in the state prison population numbers, then the July-September 2016 inmate prison population would be 162.72% of design capacity.

If the impact of this bill is to increase the inmate prison population by more than current law, NDCS could incur additional per diem costs. This is the cost for food, medical care, inmate wages, clothing, cleaning supplies, food service supplies, cell and dorm supplies, other inmate related supplies, laundry, inmate property, miscellaneous contractual services, and inmate transportation. The FY16 per diem cost for an individual inmate was \$9,484 per year.

The Department of Correctional Services (NDCS) estimates no fiscal impact from this bill during the upcoming biennium. NDCS states that the bill does not expand the number of individuals coming to prison but will potentially lengthen the sentences for individuals convicted of escape and receive a longer sentence than they would under current law. See the agency response attached for additional details not included in this fiscal note.

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

2017

LB⁽¹⁾ 435

FISCAL NOTE

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

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ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2017-18</u>		<u>FY 2018-19</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	_____	<u>0</u>	_____	<u>0</u>
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
TOTAL FUNDS	<u>_____</u>	<u>0</u>	<u>_____</u>	<u>0</u>

Explanation of Estimate:

LB 435 increases the penalty for escape when the escape involves a felony charge or follows conviction for an offense, from a class III felony (0-4 years w/ 9-24 months post release supervision) to a class IIA felony (0-20 years). LB 435 increases the penalty for escape when the actor employs force, threat, deadly weapon or other dangerous instrumentality to affect the escape from a class IIA (0-20 years) to a class II (1-50 years) felony.

The Department estimates no fiscal impact from LB 435 during the upcoming biennium. LB 435 does not expand the number of individuals coming to prison but will potentially lengthen the sentences for individuals convicted of escape and receive a longer sentence than they would in the status quo. The bill could also deter escapes, but it is not possible to estimate this impact. Any fiscal impact from a longer escape sentence would occur at the end of the escape term which is already consecutive to the sentence the inmate was attempting to escape from and would not be realized in FY 2017-18 or 2018-19.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2017-18 EXPENDITURES</u>	<u>2018-19 EXPENDITURES</u>
	<u>17-18</u>	<u>18-19</u>		
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____