

PREPARED BY: Doug Nichols
 DATE PREPARED: March 1, 2017
 PHONE: 402-471-0052

LB 577

Revision: 00

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 create offense of assault on a peace officer, firefighter, or out-of-hospital emergency care provider by ambush. This new offense would be a Class IB felony (Maximum - life imprisonment, Minimum - twenty years imprisonment). The bill imposes a minimum term of forty years' imprisonment, and additionally it provides that the person may be fined up to one hundred thousand dollars.

The Department of Correctional Services (NDCS) states that this bill has the potential to lengthen sentences of individuals convicted after the effective date of the act, but the fiscal impact of the longer sentence would be felt at the end of the sentence. As a result, NDCS estimates no fiscal impact from this bill during FY18 or FY19.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSES		
LB: 577	AM:	AGENCY/POLT. SUB: Nebraska Department of Correctional Services (46)
REVIEWED BY: Joe Wilcox	DATE: 2/28/2017	PHONE: (402) 471-4178
COMMENTS: No Basis to dispute the Nebraska Department of Correctional Services estimate of No Fiscal Impact to the Agency from LB 577.		

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

2017

LB⁽¹⁾ 577

FISCAL NOTE

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

Prepared by: (3) Sara Sump Date Prepared: (4) 1/11/17 Phone: (5) 402.479.5702

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 577 creates the offense of assault on a peace officer, firefighter or out of hospital emergency care provider by ambush, punishable as a Class IB felony with a 40 year minimum sentence.

The crime is defined as knowingly attacking a peace officer, firefighter or out of hospital emergency care provider engaged in their official duties by either:

- (1) attacking without warning from a concealed position; or
- (2) approaching and attaching such an individual unexpectedly; and

Intentionally and knowingly causes serious bodily injury to the peace officer, firefighter or out of hospital emergency care provider.

The conduct prohibited by LB 577 is rare and individuals charged with assault of a peace office by ambush can currently be charged with other charges such as assault on an officer or attempted murder. LB 577 has the potential to lengthen sentences of individuals convicted of assault by ambush after the effective date of the act, but the fiscal impact of the longer sentence would be felt at the end of the sentence. As a result, NDCS estimates no fiscal impact from this legislation during the FY17-8, FY 18-19 biennium.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

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