

FISCAL NOTE
LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)				
	FY 2018-19		FY 2019-20	
	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 sentencing provisions for crimes committed by persons under the age of eighteen. This bill states that the death penalty or life imprisonment without the possibility of parole shall not be imposed upon any person for an offense committed when such person was under the age of eighteen years.

It also states that the penalty for any person convicted of a Class IB felony for an offense committed when such person was under the age of eighteen years shall be a maximum sentence of not greater than life imprisonment and shall be a minimum sentence of twenty years' imprisonment. The current penalties for a Class IB felony for everyone (under and above the age of eighteen years) are as follows: Maximum — life imprisonment; Minimum — twenty years imprisonment up to life.

The bill also provides when a maximum term of life is imposed by the court for a Class IA felony, the minimum term is life for eighteen years of age or older or 40 years for under the age of eighteen years. The current penalties for a Class IA felony are a maximum term of life, and the minimum term is life for eighteen years of age or older and not less than 40 years for under the age of eighteen years.

The Supreme Court estimates no fiscal impact from this bill.

The Department of Correctional Services (NDCS) estimates no fiscal impact over the next biennium as persons sentenced under this bill would not be parole eligible for at least 10 years. NDCS estimates that the bill has the potential to slightly reduce the prison population in the future as persons will be parole eligible earlier.

Reducing the prison population could result in per diem savings to NDCS because there could be fewer inmates than under current law. For every inmate, NDCS incurs 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 FY17 per diem cost for an individual inmate was \$8,649 per year, which includes NDCS inmates in county jails.

Fewer people in prison could reduce the prison population. As of October-December 2017, the prison population was 156.74% of design capacity. Additionally, NDCS contracts with some counties to temporarily house prison inmates. If those inmates are included in the prison population numbers, then the prison population would be 159% of design capacity.

For informational purposes, NDCS estimates the cost per offender (All facilities including Parole) at \$31,271 for FY16. This cost represents an average cost of all General, Cash, and Federal expenditures excluding aid, depreciation, and Capital Construction expenditures.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE			
LB: 875	AM:	AGENCY/POLT. SUB: Nebraska Department of Correctional Services (046)	
REVIEWED BY: Joe Wilcox	DATE: 02/06/2018	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 875 in the current or next biennium, with potential future cost savings, based on the projected timing of the impact of the provisions of the bill.			

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

2018

LB⁽¹⁾ 875

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ 05 Supreme Court

Prepared by: ⁽³⁾ Eric Asboe Date Prepared: ⁽⁴⁾ 2/6/18 Phone: ⁽⁵⁾ 1-4138

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2018-19</u>		<u>FY 2019-20</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:

No fiscal impact

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2018-19</u>	<u>2019-20</u>
	<u>18-19</u>	<u>19-20</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.

2018

LB⁽¹⁾ 875

FISCAL NOTE

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

Prepared by: ⁽³⁾ Jeff Beaty Date Prepared: ⁽⁴⁾ 1/26/18 Phone: ⁽⁵⁾ 4024795767

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2018-19</u>		<u>FY 2019-20</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:

LB 875 prohibits the imposition of a life without parole sentence upon any person who was under 18 years of age when the offense was committed. The bill also requires a minimum sentence of 40 years for a class 1A felony and a minimum sentence of 20 years for a 1B felony for anyone under 18 years of age when the offense was committed.

LB 875 will result in individuals convicted of class IA and IB sentences receiving minimum sentences of 40 or 20 years, respectively, ensuring that they have the potential to parole. NDCS currently has 21 individuals serving sentences for class IA or IB felonies committed when they were less than 18 years of age. Only two of those individuals are serving life to life sentences and NDCS has not had an admission for an individual under 18 years of age sentenced to life to life since 2005. Fourteen of the 21 currently incarcerated individuals have minimum sentences of at least 40 years.

There is no estimated fiscal impact from LB 875 over the next biennium as any individuals sentenced under the provisions of LB 875 would not be eligible for parole for at least 10 years. The bill has the potential to slightly reduce the prison population in the future as individuals affected by the act will be eligible for parole earlier in their sentence.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2018-19</u>	<u>2019-20</u>
	<u>18-19</u>	<u>19-20</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	<u>0</u>	<u>0</u>