

**FISCAL NOTE**  
**LEGISLATIVE FISCAL ANALYST ESTIMATE**

<b>ESTIMATE OF FISCAL IMPACT – STATE AGENCIES</b> (See narrative for political subdivision estimates)				
	<b>FY 2018-19</b>		<b>FY 2019-20</b>	
	<b>EXPENDITURES</b>	<b>REVENUE</b>	<b>EXPENDITURES</b>	<b>REVENUE</b>
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 provide immunity for certain law enforcement employees administering naloxone. The bill also expands the immunity exemption for procuring alcohol for a minor to include any person who makes a good faith request for assistance for someone experiencing an alcohol overdose.

Procuring alcohol for a minor is a Class I misdemeanor (Maximum — not more than one year imprisonment, or one thousand dollars fine, or both; Minimum — none). If serious bodily injury or death is involved, then it is a Class IIIA felony (Maximum — three years imprisonment and eighteen months post-release supervision or ten thousand dollars fine, or both; Minimum — none for imprisonment and nine months post-release supervision if imprisonment is imposed).

The Attorney General estimates no fiscal impact from this bill.

The Department of Correctional Services (NDCS) states that the naloxone portion of the bill does not apply to them. They also state that they have no way of predicting how many individuals will not be prosecuted for procuring alcohol for a minor under the bill.

This bill could reduce the number of persons who are sent to prison because it provides immunity for certain crimes. This could result in per diem savings to the Department of Correctional Services (NDCS) because there could be fewer inmates than under current law. For every inmate, the Department of Correctional Services (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 sent to prison could also reduce the prison population. As of July-September 2017, the state inmate prison population was 155.70% of design capacity. Additionally, the Department of Correctional Services contracts with some counties to temporarily house prison inmates. If those inmates are included in the state prison population numbers, then the inmate prison population would be 158% 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.

This bill could also impact county jails. Misdemeanor sentences are generally served in county jails if jail time is imposed. This bill could result in less people being sent to jail, which could result in a cost savings to counties.

Any fines assessed pursuant to convictions will accrue to the county where the violation occurs to be used for the support of public schools.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
<b>LB: 923</b>	<b>AM:</b>	AGENCY/POLT. SUB: <b>Nebraska Attorney General (011)</b>
REVIEWED BY: Joe Wilcox	DATE: 01/16/2018	PHONE: <a href="tel:(402)471-4178">(402) 471-4178</a>
COMMENTS: No basis to dispute the Nebraska Attorney General estimate of No Fiscal Impact to the Agency from LB 923.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
<b>LB: 923</b>	<b>AM:</b>	AGENCY/POLT. SUB: <b>Nebraska Department of Correctional Services (046)</b>
REVIEWED BY: Joe Wilcox	DATE: 01/29/2018	PHONE: <a href="tel:(402)471-4178">(402) 471-4178</a>
COMMENTS: No basis to dispute the Nebraska Department of Correctional Services estimate of No Fiscal Impact to the Agency from LB 923.		

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

2018

LB<sup>(1)</sup> 923

FISCAL NOTE

State Agency OR Political Subdivision Name: <sup>(2)</sup> Attorney General

Prepared by: <sup>(3)</sup> Corey O'Brien Date Prepared: <sup>(4)</sup> 1-11-18 Phone: <sup>(5)</sup> 471-2687

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 EXPENDITURES</u>	<u>2019-20 EXPENDITURES</u>
	<u>18-19</u>	<u>19-20</u>		
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____

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

**2018**

**LB<sup>(1)</sup> 923**

**FISCAL NOTE**

State Agency OR Political Subdivision Name: <sup>(2)</sup> Nebraska Department of Correctional Services

Prepared by: <sup>(3)</sup> Jeff Beaty Date Prepared: <sup>(4)</sup> 1/26/18 Phone: <sup>(5)</sup> 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 923 amends existing law providing immunity to peace officers for dispensing naxalone in response to an opioid-related overdose to include employees of law enforcement agencies and also expands the exemption from prosecution for procuring alcohol for a minor to include any person who makes a good effort to contract emergency personnel in response to an alcohol overdose rather than only the first person to call for assistance.

NDCS estimates no fiscal impact from LB 923 as the naxalone portion bill does not affect NDCS employees as drafted, the penalty for procuring alcohol for a minor is a class I misdemeanor unless bodily injury is involved and NDCS has no way to predict how many individuals will not be prosecuted for procuring alcohol for a minor under the bill.

**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.....	_____	_____	_____	_____