

**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 change provisions relating to certain sex crimes and crimes against children. The bill would change the penalty for sexual assault of a child in the third degree from a Class IIIA felony to a Class IIA felony for the first offense. The bill changes the penalties for child abuse as follows:

If the offense is committed negligently and results in serious bodily injury, the penalty is increased from a Class IIIA felony to a Class IIA felony.

If the offense is committed negligently and results in the death of such child, the penalty is increased from a Class IIA felony to a Class II felony.

The penalties for the above-noted felonies are as follows:

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

Class IIA felony: Maximum — twenty years imprisonment  
 Minimum — none.

Class II felony: Maximum — fifty years imprisonment  
 Minimum — one year imprisonment

The bill also extends the statute of limitations from three years to seven years for labor or sex trafficking an adult, possession of child pornography or possession with the intent to distribute child pornography. The statute of limitations is extended indefinitely for the offense of labor trafficking or sex trafficking of a minor and manufacture or distribution of child pornography.

The Department of Correctional Services (NDCS) estimates that the bill has the potential to increase the prison population because it increases the maximum allowable sentence for future admissions for negligent child abuse and for sexual assault of a child in the third degree. NDCS states that over the last 3 years they have averaged slightly more than 4 admissions for negligent child abuse and almost 44 admissions for sexual assault of a child in the third degree. NDCS states that the fiscal impact is indeterminable because they cannot predict if courts will impose the higher sentences provided under the provisions of this bill.

Any increase in sentence length could increase NDCS 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.

Any increase in sentence length could increase the inmate 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.

The Supreme Court and the Attorney General estimate no fiscal impact from this bill.

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: 925</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:4024714178">(402) 471-4178</a>
COMMENTS: No basis to dispute the Nebraska Attorney General estimate of No Fiscal Impact to the Agency from LB 925.		

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

**2018**

**LB<sup>(1)</sup> 925**

**FISCAL NOTE**

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

Prepared by: (3) Jeff Beaty Date Prepared: (4) 2/1/18 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	=====	=====	=====	=====

**Explanation of Estimate:**

LB 925 increases the penalties for third degree sexual assault of a child and negligent child abuse resulting in serious injury or death. LB 925 also provides that there is no statute of limitations for child or labor trafficking or possession of child pornography when the victim is under 16 years of age.

The penalty increases are as follows:

- Third degree sexual assault of a child: Increase from class 3A felony (0-3 years incarceration with up to 18 months post release supervision) to a class 2A felony (0-20 years)
- Negligent child abuse resulting in serious injury: Increase from class 3A felony (0-3 years incarceration with up to 18 months post release supervision) to a class 2A felony (0-20 years)
- Negligent child abuse resulting in death: Increase from a class 2A (0-20 years) to a class 2 felony (1-50 years).

Over the past 3 years, NDCS has averaged 4.33 admissions for negligent child abuse and 43.7 admissions for third degree sexual assault of a child.

LB 925 has the potential to increase the NDCS average daily population by increasing maximum allowable sentence for future admissions for negligent child abuse and third degree sexual assault of a child. Any increase in sentence length would increase costs to the department equal to the additional sentence length multiplied by the annual per diem (\$8,649 in FY 2017). The bill does not require judges to impose higher sentences, however, and NDCS has no way to predict how or if judges will adjust sentencing in response to the changes provided in LB 925. As a result, the fiscal impact of LB 925 over the next biennium is indeterminable.

**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**.....

_____	_____
_____	_____
_____	_____
_____	_____

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**2018**

**LB<sup>(1)</sup> 925**

**FISCAL NOTE**

State Agency OR Political Subdivision Name: <sup>(2)</sup> 05 Supreme Court

Prepared by: <sup>(3)</sup> Eric Asboe Date Prepared: <sup>(4)</sup> 2/6/18 Phone: <sup>(5)</sup> 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<sup>(1)</sup> 925

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.....	_____	_____	_____	_____