

FISCAL NOTE
 LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)				
	FY 2019-20		FY 2020-21	
	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 make post-release supervision (PRS) optional for Class IV felonies.

The Supreme Court states that the fiscal impact is indeterminate for the following reasons:

1. Judges currently have the discretion to release persons on probation from PRS at any time so making PRS optional may not significantly decrease the PRS population;
2. The number of persons on PRS continues to increase so any decrease as the result of this bill on the entire PRS population is difficult to estimate;
3. The entire Probation population has increased. Whether any decrease in the PRS population due to this bill would offset any increase in other Probation classifications is unknown.

See the Court’s response attached for additional details not included in this fiscal note.

The Lancaster County Department of Corrections states that the average cost to house a person in jail is \$100 per day. They further note that during Calendar Years 2017 and 2018, individuals serving custodial sanctions totaled 10,330 days. If this bill results in even a minor reduction in these days, they could see a significant savings. However, the bill grants the judge discretion regarding the imposition of custodial sanctions during sentencing, so they are unable to estimate an amount of possible savings.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE			
LB: 90	AM:	AGENCY/POLT. SUB: Lancaster County Department of Corrections	
REVIEWED BY: Joe Wilcox	DATE: 01/23/2019	PHONE: (402) 471-4178	
COMMENTS: No basis to dispute the Lancaster County Department of Corrections estimate of potential but Indeterminate Fiscal Impact to the Department from LB 90.			

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

2019

LB⁽¹⁾ 90

FISCAL NOTE

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

Prepared by: ⁽³⁾ Eric Asboe Date Prepared: ⁽⁴⁾ 3/13/19 Phone: ⁽⁵⁾ 1-4138

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2019-20</u>		<u>FY 2020-21</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:

LB90 allows judges the option of imposing post-release supervision (PRS) in Class IV felony cases. At this time, the impact on judicial, court and Probation resources is indeterminate for the following reasons:

1. Judges currently have the discretion to release persons on probation from PRS at any time. Given this authority, whether making PRS optional will decrease the PRS population on probation is difficult to project. Very preliminary information suggests that any decrease may not be significant.
2. The number of clients subject to PRS continues to increase. LB90 may decrease the number of future PRS clients, but how much, and when, any decrease would offset the known projection of PRS clients is difficult to estimate.
3. The entire Probation population has increased. Whether any future decrease in PRS clients would offset any increase in other Probation classifications and, as a result, have any impact on resources, is unknown.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2019-20</u>	<u>2020-21</u>
	<u>19-20</u>	<u>20-21</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.

2019

LB⁽¹⁾ 90

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ Lancaster County Department of Corrections

Prepared by: ⁽³⁾ LT Will McGlothlin Date Prepared: ⁽⁴⁾ 1/16/2019 Phone: ⁽⁵⁾ 402-441-1919

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2019-20</u>		<u>FY 2020-21</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:

The following statistics represent only sentences involving F4 offenses:

During the 2017 calendar year, 89 individuals served 1,877 days in our facility due to Custodial Sanctions. On average, each individual served 21.09 days.

During the 2017 calendar year, 12 individuals were re-sentenced to our facility upon having their Post Release Supervision revoked. These individuals served a total of 1,794 days in our facility, averaging 149.50 days per individual.

During the 2018 calendar year, 74 individuals served 1,599 days in our facility due to Custodial Sanctions. On average, each individual served 21.61 days.

During the 2018 calendar year, 38 individuals were re-sentenced to our facility upon having their Post Release Supervision revoked. These individuals served a total of 5,060 days in our facility, averaging 133.16 days per individual.

As this bill grants the sentencing judge discretion regarding the imposition of custodial sanctions during the sentencing process, we are not able to predict the degree of relief we would experience. However, the average cost to house an individual in our facility is \$100 per day, even a minor reduction in the 10330 bed days created by these individuals could create significant savings.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2019-20 EXPENDITURES</u>	<u>2020-21 EXPENDITURES</u>
	<u>19-20</u>	<u>20-21</u>		
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____

Capital outlay.....
Aid.....
Capital improvements.....
TOTAL.....

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____