

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

<b>ESTIMATE OF FISCAL IMPACT – STATE AGENCIES</b> (See narrative for political subdivision estimates)				
	<b>FY 2021-22</b>		<b>FY 2022-23</b>	
	<b>EXPENDITURES</b>	<b>REVENUE</b>	<b>EXPENDITURES</b>	<b>REVENUE</b>
GENERAL FUNDS	See Below			
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 limit use of restrictive housing and solitary confinement.

The Supreme Court estimates no fiscal impact from this bill.

The Department of Correctional Services (DCS) states that this bill would require DCS to allow inmates housed in restrictive housing to be out of their cells for two hours a day instead of the current practice of one hour per day. They estimate that this would require 56 additional custody staff at a cost of \$3,542,970 in FY22, and \$3,378,100 in FY23 (Corporals, Sergeants, Unit Caseworkers, Lieutenants, uniforms, radios, etc.).

In a similar bill in 2020 (LB739), DCS estimated 28 additional custody staff (Corporals & Sergeants) for a cost of about \$1.5 million. It is unclear why LB620 would require double the staff as a similar bill in 2020.

Although this bill could require additional staff at DCS, the additional 56 custody staff for \$3.5 million appears high.

Even if DCS received funding for additional custody staff, it is unclear if they could retain the additional custody staff since they are currently having trouble retaining staff, especially custody staff. Through June 30, 2020, DCS had 191 vacancies for custody staff out of an authorized number of 1,380.5 (Source: NDCS Quarterly Population Summary, April - July 2020). If DCS could not retain the additional custody staff they estimate they would need under this bill, then this could require overtime for current custody staff.

DCS also estimates \$94,360 for outdoor lights to be installed in some facilities. It is unclear why this bill requires outdoor lights.

<b>ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY &amp; POLT. SUB. RESPONSE</b>		
<b>LB: 620</b>	<b>AM:</b>	<b>AGENCY/POLT. SUB: Nebraska Supreme Court (05)</b>
REVIEWED BY: Joe Wilcox	DATE: 02/08/2021	PHONE: (402) 471-4178
COMMENTS: No basis to dispute the Nebraska Supreme Court estimate of No Fiscal Impact to the Agency from LB 620.		

<b>ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY &amp; POLT. SUB. RESPONSE</b>		
<b>LB: 620</b>	<b>AM:</b>	<b>AGENCY/POLT. SUB: Nebraska Department of Correctional Services (46)</b>
REVIEWED BY: Joe Wilcox	DATE: 02/02/2021	PHONE: (402) 471-4178
COMMENTS: No basis to dispute the Nebraska Department of Correctional Services (NDCS) estimate of potential Fiscal Impact to the Agency from LB 620.		

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

2021

LB<sup>(1)</sup> 620

FISCAL NOTE

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

Prepared by: <sup>(3)</sup> Eric Asboe Date Prepared: <sup>(4)</sup> 2/6/2021 Phone: <sup>(5)</sup> 402-326-9215

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2021-22</u>		<u>FY 2022-23</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>2021-22</u>	<u>2022-23</u>
	<u>21-22</u>	<u>22-23</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.

**2021**

**LB<sup>(1)</sup> 620**

**FISCAL NOTE**

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

Prepared by: (3) Lisa Stanton Date Prepared: (4) 01/22/2021 Phone: (5) (402)479-5702

**ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION**

	<u>FY 2021-22</u>		<u>FY 2022-23</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	\$3,542,970		\$3,378,100	
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
<b>TOTAL FUNDS</b>	<u>\$3,542,970</u>		<u>\$3,378,100</u>	

**Explanation of Estimate:**

LB 620 limits the use of restrictive housing and solitary confinement.

The bill will require NDCS to allow inmates housed in restrictive housing to be out of their cells for at least two hours each day. NDCS will need to hire movement escorts to accomplish this task. Current practice allows inmates approximately one hour out of their cells each day. Accommodating the additional time will require additional staff at NSP, TSCI and LCC to coordinate and handle the movement, as well as moving to a 24/7 operational day (inmate movement 24/7) in the restrictive housing units at NSP, TSCI, LCC, NCCW and OCC. Presently, NDCS has 242 inmates in restrictive housing. When an inmate is released out of their cell it takes two staff escorts to ensure safe movement and supervision for all individuals involved. To staff one post at a facility 24 hours a day seven days a week requires 5.2 FTE. NDCS will need an additional 56 FTE to provide 24/7 staffing in all restrictive housing units and to manage the out of cell time requirement in this bill.

The staffing requirements identified above total an estimated cost of \$3,448,610. This amount includes \$2,446,147 for PSL, \$856,151 for benefits and \$146,312 for uniforms, radios and other equipment and services. The 56 FTE breakdown as follows: 32 Corporals, 11 Sergeants, 9 Unit Caseworkers and 4 Lieutenants.

NDCS would also need to install outdoor lighting in the RHU yards at NSP, TSCI, LCC, NCCW and OCC. The estimated cost for light poles and lights is \$94,360.

**BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE**

**Personal Services:**

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2021-22</u>	<u>2022-23</u>
	<u>21-22</u>	<u>22-23</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
Corporals	32	32	\$1,331,200	\$1,331,200
Sergeants	11	11	\$549,120	\$549,120
Unit Caseworkers	9	9	\$374,400	\$374,400
Lieutenants	4	4	\$191,427	\$191,427
Benefits.....			\$856,151	\$856,151
Operating.....			\$240,672	\$75,802
Travel.....				
Capital outlay.....				
Aid.....				

Capital improvements.....

TOTAL.....

\_\_\_\_\_  
\_\_\_\_\_  
\$3,542,970

\_\_\_\_\_  
\_\_\_\_\_  
\$3,378,100