

FISCAL NOTE
LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)				
	FY 2022-23		FY 2023-24	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS				
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	See below		See below	

Any Fiscal Notes received from state agencies and political subdivisions are attached following the Legislative Fiscal Analyst Estimate.

LB 921 proposes changes where certain sentences of imprisonment are served. Under the bill, incarcerated persons would serve their sentences in county jails rather than the state correctional facilities.

The Nebraska Department of Corrections anticipates that the number of persons in the State correctional facilities would be decreased for those whose sentences are imposed after the bill's operative date. However, the Department is unable to determine the fiscal impact due to the many variables that would need to be factored into determining an accurate estimate.

The Lancaster County Department of Corrections utilized 2021 for historical data to determine the additional number of days that inmates would have spent in the county jail rather than the state correctional facilities. The estimated cost for housing additional inmates would be between \$4.5 million and \$9.1 million annually, dependent on the actual amount of time the inmate would be placed in the county facility. Additionally, it is anticipated that the increased number of individuals in county jails would necessitate an additional 3 housing units to retain compliance with the Nebraska Jail Standards. The County estimates that the additional housing would have a cost of \$50,000,000.

The Douglas County Department of Corrections anticipates an increase of inmates being transferred would be increased. It is estimated that the additional cost of housing these incarcerated persons would be \$10 million annually. It is also anticipated that housing and other facilities would have to be expanded.

Due to the uncertainty of the number of days that inmates would be sentenced to the county jails which would purport a need for additional housing units, it is difficult to ascertain the fiscal impact.

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

2022

LB⁽¹⁾ 921

FISCAL NOTE

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

Prepared by: ⁽³⁾ Lisa Stanton Date Prepared: ⁽⁴⁾ 01/18/2022 Phone: ⁽⁵⁾ (402)479-5702

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2022-23</u>		<u>FY 2023-24</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 921 changes where sentences of imprisonment are served. The bill could decrease the number of persons in prison for sentences imposed after the bill's operative date. As of December 2021, the average daily prison population (ADP) was 153% of design capacity. The FY21 per diem cost was \$31.65 for each inmate, or \$11,551 per year.

The specific amount of impact is indeterminable because the changes would not apply to the current prison population. As such, there are too many variables to make an accurate forecast, including the possible addition of new felony offenses and changes to sentencing procedures.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2022-23</u>	<u>2023-24</u>
	<u>22-23</u>	<u>23-24</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.

2022

LB921⁽¹⁾ Change where sentences of imprisonment are served

FISCAL NOTE

State Agency OR Political Subdivision Name: (2) DOUGLAS COUNTY, NEBRASKA

Prepared by: (3) Marcos San Martin, County Administration Date Prepared: (4) 1/25/2022 Phone: (5) 402-444-5116
Amber Redmond, County Corrections 402-599-2267

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2022-23</u>		<u>FY 2023-24</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	_____	_____	_____	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
TOTAL FUNDS	<u>N/A</u>	<u>N/A</u>	<u>\$10M</u>	<u>N/A</u>

Explanation of Estimate:

NEGATIVE (DETRIMENTAL) FISCAL IMPACT TO DOUGLAS COUNTY

The revisions proposed by LB921 will result in substantial new costs to Douglas County. This LB has the potential to result in millions in additional costs annually for counties. LB921 would shift sentences for “Class III, IIIA, and IV” felonies, regardless of length, instead to local jails/facilities.

The Douglas County Department of Corrections estimates, based on the number of inmates pending a transfer to a state facility, that +/- 30% of those inmates would be retained at DCC to complete his/her sentence, rather than being transferred. Retaining these additional inmates over the long-term would result in additional costs of potentially \$10M annually.

The DCC facility and other local/regional facilities would likely have to be expanded (both in physical housing capacity and in facility staffing) to meet the capacity requirements of this shift. Therefore, this legislative change as a consequence, could result in even more significant long-term capital cost increases as well.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</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.

2022

LB⁽¹⁾ 921

FISCAL NOTE

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

Prepared by: ⁽³⁾ Joe Anderson Date Prepared: ⁽⁴⁾ January 19, 2022 Phone: ⁽⁵⁾ (402) 441-1919

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2022-23</u>		<u>FY 2023-24</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	\$4.5 - \$9.1 million		+ \$54.5 - 59.1 million	
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS				

Explanation of Estimate:

Lancaster County Department of Corrections foresees a significant fiscal impact arising from this proposed bill.

In determining this, we looked at sentencing for all inmates in 2021. We found that 99 inmates would have done a sentence in our facility rather than with NDOC, had this bill been in effect during that year.

For those inmates sentenced in 2021, we found this bill would have resulted in 35,959 to 73,409 additional days of incarceration with Lancaster County.

We subtracted any credit given for time served while awaiting sentencing, since these days would be spent in our facility regardless of where the final sentence is served.

The high-end number represents the maximum number of days of any indeterminate sentence (e.g. – 1 to 3 years) and does not account for any good time earned.

The low-end number represents the minimum of any indeterminate sentence and does include good time (at a factor of 1 day good time for each day served).

We calculate that a day in our facility costs approximately \$125 to the county.

The result would amount to additional expenditures of \$4,494,875 to \$9,176,125 to the Lancaster County Department of Corrections, had this bill been in effect in 2021.

We have also estimated that the average length of stay for these inmates would run from 363 to 742 days. With the high-end number coming in at over two years, we feel it is reasonable to believe there will be a cumulative effect on our population.

Based on the significant increase in our average daily population this bill would create, Lancaster County would need to add an additional 3 housing areas to remain in compliance with Nebraska Jail Standards. Based on current jail construction cost within Nebraska this additional housing would cost approximately \$50,000,000.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

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	<u>22-23</u>	<u>23-24</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
Benefits.....				
Operating.....				
Travel.....				
Capital outlay.....				
Aid.....				
Capital improvements.....				
TOTAL.....				