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PREPARED BY: Doug Nichols  
DATE PREPARED: January 27, 2011  
PHONE: 471-0052

LB 191

Revision: 00

# FISCAL NOTE

LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES *				
	FY 2011-12		FY 2012-13	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	0		(108,185)	
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	0		(108,185)	

\*Does not include any impact on political subdivisions. See narrative for political subdivision estimates.

This bill would change provisions relating to sentence reductions.

The Board of Pardons and Parole estimates no fiscal impact.

The Department of Correctional Services (DCS) estimates that this bill will reduce expenditures by \$108,185 in FY12-13, and the DCS response follows:

LB191 provides that the department shall reduce the term of a committed offender by three days on the first day of each month following a twelve-month period of incarceration within the department during which the offender has not been found guilty of (i) a Class I or Class II offense or (ii) not more than three Class III offenses under the department's disciplinary code.

The bill also provides that the Parole Board shall reduce, for good conduct in conformity with the conditions of parole, a parolee's parole term by ten days for each month of such term. (Currently it is two days for each month). These good time provisions would only apply to inmates admitted after the effective date of the act.

Data: The following estimates are based on current inmate numbers and recent admissions. Based on the NDCS Dec 2, 2010 population of 4510 regular sentence inmates, there are 2760 who have been incarcerated at DCS for more than a year. Of this number, 687 (approximately 25%) have NOT had any Class I, Class II, or more than three Class III misconduct reports. There were 1749 inmates admitted to NDCS last year that are still incarcerated. Of these, 1396 are expected be incarcerated for over one year. Using the percentage above, we estimate that 25% or 349 of the 1749 will meet the requirements of the bill after one year.

Fiscal Estimate: The bill has the emergency clause and will go into effect immediately. Assuming a slight increase in population each year, the fiscal note estimates there will be 360 eligible after one year (in FY2013). For purposes of the fiscal note, it is assumed the admissions will be spread equally throughout the fiscal year. The number of days savings in per diem realized during FY 13 would be 7,020 days, or the equivalent of approximately 19 inmates.

The current per diem amount (FY 10) is \$5625 or 15.411 per day per inmate. Using these numbers, the estimated savings is \$0 in FY12; and \$108,185 in FY13. Most inmates discharge within three years, therefore the savings would not have a significant multiplier effect in future years.

Note: this fiscal note does not assume a significant difference in the parole rate for shorter-term inmates. If this population begins paroling significantly earlier, it would reduce these savings significantly.

Increasing parole good time would reduce the caseloads of parole officers and would allow the number of parolees to increase without having to increase the number of parole officers.

DEPARTMENT OF ADMINISTRATIVE SERVICES

REVIEWED BY	Joe Wilcox	DATE 1/19/11	PHONE 471-2526
COMMENTS			
DEPARTMENT OF CORRECTIONAL SERVICES: Concur with agency analysis for DCS. BOARD OF PARDONS AND PAROLE: Concur with agency analysis for the Board of Pardons.			

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DEPARTMENT OF CORRECTIONAL SERVICES

2011

**LB 191 FISCAL NOTE**

State Agency OR Political Subdivision Name: (2) DEPARTMENT OF CORRECTIONAL SERVICES

Prepared by: (3) Kate Morris

Date Prepared: (4) 1/19/2011

Phone: (5) 479-5702

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

	FY 2011-2012		FY 2012-2013	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	<u>0</u>	_____	<b>-108,185</b>	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
TOTAL FUNDS	<u>0</u>	_____	<b>-108,185</b>	_____

Return by date specified or 72 hours prior to public hearing, whichever is earlier.  
Explanation of Estimate:

LB191 provides that the department shall reduce the term of a committed offender by three days on the first day of each month following a twelve-month period of incarceration within the department during which the offender has not been found guilty of (i) a Class I or Class II offense or (ii) not more than three Class III offenses under the department's disciplinary code.

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The current per diem amount (FY 10) is \$5625 or 15.411 per day per inmate. Using these numbers, the estimated savings is \$0 in FY12; and \$108,185 in FY13.. Most inmates discharge within three years, therefore the savings would not have a significant multiplier effect in future years.

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**MAJOR OBJECTS OF EXPENDITURE**

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2011 -2012</u>	<u>2012-2013</u>
	<u>11-12</u>	<u>12-13</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
Benefits .....				
Operating .....			<b>-0</b>	<b>- 108,185</b>
Travel .....				
Capital outlay .....				
Aid .....				
Other .....				
Capital improvements .....				
<b>TOTAL .....</b>			<b>-0</b>	<b>- 108,185</b>

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LB<sup>(1)</sup> 191 FISCAL NOTE

State Agency OR Political Subdivision Name: <sup>(2)</sup>  
Board of Pardons & Parole

*Parole*

Prepared by: <sup>(3)</sup> Trudy A. Clark

Date Prepared: <sup>(4)</sup> 1-18-11

Phone: <sup>(5)</sup> 471-2156

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	FY 2011-2012		FY 2012-2013	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS				
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS				

Return by date specified or 72 hours prior to public hearing, whichever is earlier.

Explanation of Estimate:

No fiscal impact.

MAJOR OBJECTS OF EXPENDITURE

Personal Services:

POSITION TITLE	NUMBER OF POSITIONS		2011-2012 EXPENDITURES	2012-2013 EXPENDITURES
	11-12	12-13		
Benefits.....				
Operating.....				
Travel.....				
Capital outlay.....				
Aid.....				
Capital improvements.....				
TOTAL.....				