

DMW

PREPARED BY: Doug Nichols  
DATE PREPARED: January 19, 2011  
PHONE: 471-0052

**LB 100**

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				
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS				

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

This bill would change provisions relating to the criminal responsibility of intoxicated persons and the insanity defense. It would change provisions relating to the defense of not responsible by reason of insanity.

The Department of Correctional Services (DCS) states that the fiscal impact is not determinable. DCS notes that the current inmate population is 4,599 (1/18/2011 Tuesday Count), and the FY10 per diem (cost per day of feeding, clothing, housing, medical, etc) for an individual inmate was \$5,625 per year.

DEPARTMENT OF ADMINISTRATIVE SERVICES

REVIEWED BY	Joe Wilcox	1/19/11	PHONE 471-2526
COMMENTS			
CORRECTIONAL SERVICES – No basis to dispute agency analysis.			

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JAN 19 2011

LEGISLATIVE FISCAL

2011

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

**LB 100 FISCAL NOTE**

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

Prepared by: (3) Kate Morris

Date Prepared: (4) 1/18/2011

Phone: (5) 479-5702

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

	<u>FY 2011-2012</u>		<u>FY 2012-2013</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	not determinable	_____	_____	_____
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:

LB100 provides that a person who is intoxicated is criminally responsible for his or her conduct, and intoxication is not a defense to any criminal offense unless the defendant proves by clear and convincing evidence that he or she either did not know it was an intoxicating substance or did not take it voluntarily.

The bill also provides that insanity does not include any condition that was proximately caused by the voluntary taking of any intoxicating liquor, any drug, or other mentally debilitating substance, or any combination thereof.

The fiscal impact is not determinable.

DCS current inmate population is 4,599 (1/18/2011 Tuesday Count)

The FY10 per diem (cost per day of feeding, clothing, housing, medical, etc) for an individual inmate was \$5,625/yr.

**MAJOR OBJECTS OF EXPENDITURE**

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2011 -2012 EXPENDITURES</u>	<u>2012-2013 EXPENDITURES</u>
	<u>11-12</u>	<u>12-13</u>		
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits .....	_____	_____	_____	_____
Operating .....	_____	_____	_____	_____
Travel .....	_____	_____	_____	_____
Capital outlay .....	_____	_____	_____	_____
Aid .....	_____	_____	_____	_____
Other .....	_____	_____	_____	_____
Capital improvements .....	_____	_____	_____	_____