

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

<b>ESTIMATE OF FISCAL IMPACT – STATE AGENCIES</b> (See narrative for political subdivision estimates)				
	<b>FY 2015-16</b>		<b>FY 2016-17</b>	
	<b>EXPENDITURES</b>	<b>REVENUE</b>	<b>EXPENDITURES</b>	<b>REVENUE</b>
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 create the offense of use of a facsimile firearm or nonfunctioning firearm to commit a felony.

Use of a facsimile firearm or nonfunctioning firearm to commit a felony is a Class III felony: Maximum — twenty years imprisonment, or twenty-five thousand dollars fine, or both; Minimum — one year imprisonment.

The Department of Correctional Services (DCS) states that there could be a future impact, but it cannot be estimated until it is determined how many convictions for this new offense will occur. DCS has no data on how often this offense is committed, but does not expect any impact in FY16 or FY17. See the DCS response for additional details.

As of February 28, 2015, the inmate prison population was almost 160% of design capacity. On February 28, 2014, the inmate prison population was almost 156% of design capacity.

For every inmate, the Department of Correctional Services (DCS) incurs per diem costs. The FY14 per diem cost for an individual inmate was \$7,124 per year. This is the cost for food, medical care, inmate wages, clothing, cleaning supplies, food service supplies, cell and dorm supplies, other supplies, and transportation.

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**2015**

**LB<sup>(1)</sup> 14**

**FISCAL NOTE**

State Agency OR Political Subdivision Name: <sup>(2)</sup> Nebraska Department of Corrections

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

	<u>FY 2015-16</u>		<u>FY 2016-17</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
CASH FUNDS	<u></u>	<u></u>	<u></u>	<u></u>
FEDERAL FUNDS	<u></u>	<u></u>	<u></u>	<u></u>
OTHER FUNDS	<u></u>	<u></u>	<u></u>	<u></u>
TOTAL FUNDS	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>

**Explanation of Estimate:**

LB 14 creates the new criminal offense of Use of a facsimile or nonfunctioning firearm to commit a felony, which is punishable as a Class III felony. As this new offense requires the commission of another felony as an element of the crime, no one will be admitted to NDCS solely for this offense and any impact from this legislation will be on length of stay rather than increased admissions. It is possible, that NDCS will see a portion of individuals currently admitted with felonies (robbery, motor vehicle theft, et al.) who will have the facsimile firearm offense tacked on to the end of their sentences, but we have no data on how common the use of facsimile firearms to commit felonies is.

Section 3(3) (page 3), states that "a sentence imposed under this section shall be consecutive to any other sentence imposed." The consecutive sentence requirement will delay any impact of admissions to NDCS from LB 14 until after the underlying felony sentence has been served. There could be a future fiscal impact on the Department, but it cannot be estimated until it is determined how many convictions for this new offense will occur. For at least FY16 and FY17, NDCS does not expect to see an impact on admissions or average daily population.

**BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE**

**Personal Services:**

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2015-16</u>	<u>2016-17</u>
	<u>15-16</u>	<u>16-17</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
Benefits.....	<u></u>	<u></u>	<u></u>	<u></u>
Operating.....	<u></u>	<u></u>	<u></u>	<u></u>
Travel.....	<u></u>	<u></u>	<u></u>	<u></u>
Capital outlay.....	<u></u>	<u></u>	<u></u>	<u></u>
Aid.....	<u></u>	<u></u>	<u></u>	<u></u>
Capital improvements.....	<u></u>	<u></u>	<u></u>	<u></u>
TOTAL.....	<u></u>	<u></u>	<u>0</u>	<u>0</u>