

FISCAL NOTE
LEGISLATIVE FISCAL ANALYST ESTIMATE

| ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates) | | | | |
|---|---------------------|----------------|---------------------|----------------|
| | FY 2016-17 | | FY 2017-18 | |
| | EXPENDITURES | REVENUE | EXPENDITURES | REVENUE |
| 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 change provisions and penalties relating to implements for escape and contraband and certain assaults. It outright repeals section 28-931.01. Assault on an officer, emergency responder, certain employees, or a health care professional using a motor vehicle; penalty.

The Department of Correctional Services (DCS) states that this bill will have an indeterminate fiscal impact.

DCS states that this bill could result in additional incarcerations and increased lengths of stay in state correctional facilities and could increase costs by an indeterminate amount. The bill increases the classes of offenses and adds new offenses related to non-inmate and inmate introduction, conveyance, possession, making, or obtaining contraband. See their response following for additional details.

DCS estimates the average cost per offender (All facilities including Parole) at \$28,182 per year. This is the cost of the facilities plus staff. For every inmate, DCS incurs per diem costs. This is the cost for food, medical care, inmate wages, clothing, cleaning supplies, food service supplies, cell and dorm supplies, other supplies, laundry, inmate property, miscellaneous contractual services, and transportation. The FY15 per diem cost for an individual inmate was \$8,712 per year.

As of December 2015, the state inmate prison population was 157% of design capacity. In December 2014, the inmate prison population was 159% of design capacity. Additionally, the Department of Correctional Services (DCS) contracts with some counties to temporarily house prison inmates. If those inmates are included in the state prison population numbers, then the December 2015 inmate prison population would be 162% of design capacity.

The Supreme Court, Department of Health and Human Services, and the Nebraska State Patrol estimate no fiscal impact from this bill.

Douglas County and Lancaster County Department of Corrections estimate no fiscal impact from this bill.

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

2016

LB⁽¹⁾ 793

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾

Nebraska Department of Correctional Services

Prepared by: ⁽³⁾ Brendon Polt

Date Prepared: ⁽⁴⁾ 1/26/2016

Phone: ⁽⁵⁾ (402) 479-5702

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

| | <u>FY 2016-17</u> | | <u>FY 2017-18</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: **Indeterminate fiscal impact.**

This bill would likely result in additional incarcerations and increased lengths of stay in Nebraska correctional facilities and would increase the Department’s costs by an indeterminate amount.

The bill increases the classes of offenses and adds new offenses related to non-inmate and inmate introduction, conveyance, possession, making, or obtaining contraband.

Under existing statute §28-913, the following acts constitute implements for escape: for a “person”, unlawfully introducing within a detention facility, or unlawfully providing an inmate with any weapon, tool, or other thing which may be useful for escape. For an inmate, the an offence is committed by unlawfully procuring, making, or otherwise providing him or herself with, or having in his or her possession, any such implement of escape. Committing any of these acts is a Class I misdemeanor (§28-913[2]).

Under LB793, section 2, these existing offenses pertaining to implements for escape increase from a Class I misdemeanor to a Class III felony.

Additionally, under existing statute §83-417, any person who conveys to or from any committed offender any “article” without the approval of the chief executive officer is guilty of a Class IV felony. Under LB793, the offense of conveying or introducing an “article” which meets the definition of contraband as defined in section 2 (a)(i)-(iv) increases from a Class IV felony to a Class III felony.

For an inmate, introducing, conveying, making, obtaining, or possessing the contraband proscribed in section 2(a)(i)-(iv) becomes a Class III felony. With regard to contraband identified in section 2(a)(v) and (vi), the offense becomes a Class I misdemeanor. Such acts are currently prohibited in regulation and committing such offenses could reduce the amount of an inmate’s “good-time” but not add an addition criminal offense and related new sentence as would likely occur pursuant to LB793.

For these reasons, the Department believes LB793 would increase the number of days of incarceration in Nebraska and therefore increase the Department’s costs by an indeterminate amount.

The Department does not believe there is a fiscal impact related to the sections of the bill pertaining to public safety officers.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

| <u>POSITION TITLE</u> | <u>NUMBER OF POSITIONS</u> | | <u>2016-17 EXPENDITURES</u> | <u>2017-18 EXPENDITURES</u> |
|---------------------------|----------------------------|--------------|---------------------------------|---------------------------------|
| | <u>16-17</u> | <u>17-18</u> | | |
| _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ |
| Benefits..... | | | | |
| Operating..... | | | | |
| Travel..... | | | | |
| Capital outlay..... | | | | |
| Aid..... | | | | |
| Capital improvements..... | | | | |
| TOTAL..... | | | | |

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

2016

LB⁽¹⁾ 793

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾

Supreme Court

Prepared by: ⁽³⁾ Eric Asboe

Date Prepared: ⁽⁴⁾ 2/22/16

Phone: ⁽⁵⁾ 1-4138

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

| | <u>FY 2016-17</u> | | <u>FY 2017-18</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:

LB793 will require education for judges. Small changes may also be needed in the judicial branch case management system. This can be accomplished with existing staff and funding. No fiscal impact.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

| <u>POSITION TITLE</u> | <u>NUMBER OF POSITIONS</u> | | <u>2016-17 EXPENDITURES</u> | <u>2017-18 EXPENDITURES</u> |
|---------------------------|----------------------------|--------------|---------------------------------|---------------------------------|
| | <u>16-17</u> | <u>17-18</u> | | |
| _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ |
| Benefits..... | _____ | _____ | _____ | _____ |
| Operating..... | _____ | _____ | _____ | _____ |
| Travel..... | _____ | _____ | _____ | _____ |
| Capital outlay..... | _____ | _____ | _____ | _____ |
| Aid..... | _____ | _____ | _____ | _____ |
| Capital improvements..... | _____ | _____ | _____ | _____ |
| TOTAL..... | _____ | _____ | _____ | _____ |

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

State Agency or Political Subdivision Name:(2) Department of Health and Human Services

Prepared by: (3) Pat Weber

Date Prepared:(4) 1-20-16

Phone: (5) 471-6351

| | <u>FY 2016-2017</u> | | <u>FY 2017-2018</u> | |
|----------------------|---------------------|---------|---------------------|---------|
| | EXPENDITURES | REVENUE | EXPENDITURES | REVENUE |
| GENERAL FUNDS | | | | |
| CASH FUNDS | | | | |
| FEDERAL FUNDS | | | | |
| OTHER FUNDS | | | | |
| TOTAL FUNDS | \$0 | \$0 | \$0 | \$0 |

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

Explanation of Estimate:

There is no Fiscal Impact to the Department of Health and Human Services.

MAJOR OBJECTS OF EXPENDITURE

| PERSONAL SERVICES: | POSITION TITLE | NUMBER OF POSITIONS | | 2016-2017 | 2017-2018 |
|---------------------------|----------------|---------------------|-------|--------------|--------------|
| | | 16-17 | 17-18 | EXPENDITURES | EXPENDITURES |
| Benefits..... | | | | | |
| Operating..... | | | | | |
| Travel..... | | | | | |
| Capital Outlay..... | | | | | |
| Aid..... | | | | | |
| Capital Improvements..... | | | | | |
| TOTAL..... | | | | \$0 | \$0 |

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

2016

LB⁽¹⁾ 793

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾

Nebraska State Patrol

Prepared by: ⁽³⁾

Carol Aversman

Date Prepared: ⁽⁴⁾

1-12-2016

Phone: ⁽⁵⁾

402-471-4545

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

| | <u>FY 2016-17</u> | | <u>FY 2017-18</u> | |
|--------------------|---------------------|-------------------|---------------------|-------------------|
| | <u>EXPENDITURES</u> | <u>REVENUE</u> | <u>EXPENDITURES</u> | <u>REVENUE</u> |
| GENERAL FUNDS | _____ | _____ | _____ | _____ |
| CASH FUNDS | _____ | _____ | _____ | _____ |
| FEDERAL FUNDS | _____ | _____ | _____ | _____ |
| OTHER FUNDS | _____ | _____ | _____ | _____ |
| TOTAL FUNDS | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> |

Explanation of Estimate:

No Fiscal Impact.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

| <u>POSITION TITLE</u> | <u>NUMBER OF POSITIONS</u> | | <u>2016-17 EXPENDITURES</u> | <u>2017-18 EXPENDITURES</u> |
|---------------------------|----------------------------|--------------|---------------------------------|---------------------------------|
| | <u>15-16</u> | <u>16-17</u> | | |
| _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ |
| Benefits..... | _____ | _____ | _____ | _____ |
| Operating..... | _____ | _____ | _____ | _____ |
| Travel..... | _____ | _____ | _____ | _____ |
| Capital outlay..... | _____ | _____ | _____ | _____ |
| Aid..... | _____ | _____ | _____ | _____ |
| Capital improvements..... | _____ | _____ | _____ | _____ |
| TOTAL..... | _____ | _____ | <u>\$0</u> | <u>\$0</u> |

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

2016

LB793⁽¹⁾ Change provisions and penalties relating to implements for escape and contraband and certain assaults

FISCAL NOTE

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

Prepared by: ⁽³⁾ AMBER MICHALSKI,
ADMINISTRATIVE
SERVICES MANAGER
DOUGLAS COUNTY
CORRECTIONS Date Prepared: ⁽⁴⁾ 1/21/16 Phone: ⁽⁵⁾ 402.599.2267

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

| | <u>FY 2016-17</u> | | <u>FY 2017-18</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>N/A</u> | <u>N/A</u> |

Explanation of Estimate:

NEGLIGIBLE OR NO FISCAL IMPACT TO COUNTY

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

| <u>POSITION TITLE</u> | <u>NUMBER OF POSITIONS</u> | | <u>2016-17</u> <u>EXPENDITURES</u> | <u>2017-18</u> <u>EXPENDITURES</u> |
|---------------------------|----------------------------|--------------|---------------------------------------|---------------------------------------|
| | <u>16-17</u> | <u>17-18</u> | | |
| Benefits..... | _____ | _____ | _____ | _____ |
| Operating..... | _____ | _____ | _____ | _____ |
| Travel..... | _____ | _____ | _____ | _____ |
| Capital outlay..... | _____ | _____ | _____ | _____ |
| Aid..... | _____ | _____ | _____ | _____ |
| Capital improvements..... | _____ | _____ | _____ | _____ |
| TOTAL..... | _____ | _____ | _____ | _____ |

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

2016

LB⁽¹⁾ 793

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾

Lancaster County Department of Corrections

Prepared by: ⁽³⁾ LT Will McGlothlin

Date Prepared: ⁽⁴⁾ 1//11/16

Phone: ⁽⁵⁾ 402-441-1919

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

| | <u>FY 2016-17</u> | | <u>FY 2017-18</u> | |
|---------------|---------------------|----------------|---------------------|----------------|
| | <u>EXPENDITURES</u> | <u>REVENUE</u> | <u>EXPENDITURES</u> | <u>REVENUE</u> |
| GENERAL FUNDS | _____ | _____ | _____ | _____ |
| CASH FUNDS | _____ | _____ | _____ | _____ |
| FEDERAL FUNDS | _____ | _____ | _____ | _____ |
| OTHER FUNDS | _____ | _____ | _____ | _____ |
| TOTAL FUNDS | <u>0.00</u> | <u>0.00</u> | <u>_____</u> | <u>_____</u> |

Explanation of Estimate:

Based on LB 793's current language we do not see any fiscal impact on Lancaster County Department of Corrections at this time.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

| <u>POSITION TITLE</u> | <u>NUMBER OF POSITIONS</u> | | <u>2016-17 EXPENDITURES</u> | <u>2017-18 EXPENDITURES</u> |
|---------------------------|----------------------------|--------------|---------------------------------|---------------------------------|
| | <u>16-17</u> | <u>17-18</u> | | |
| _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ |
| Benefits..... | _____ | _____ | _____ | _____ |
| Operating..... | _____ | _____ | _____ | _____ |
| Travel..... | _____ | _____ | _____ | _____ |
| Capital outlay..... | _____ | _____ | _____ | _____ |
| Aid..... | _____ | _____ | _____ | _____ |
| Capital improvements..... | _____ | _____ | _____ | _____ |
| TOTAL..... | _____ | _____ | _____ | _____ |