

PREPARED BY: Doug Nichols
 DATE PREPARED: March 1, 2017
 PHONE: 402-471-0052

LB 623

Revision: 00

FISCAL NOTE
LEGISLATIVE FISCAL ANALYST ESTIMATE

| ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates) | | | | |
|---|-------------------|---------|-------------------|---------|
| | FY 2017-18 | | FY 2018-19 | |
| | 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 and eliminate provisions and penalties relating to assault on an officer, certain employees, or a health care professional. The following section is outright repealed: Section 28-931.01: Assault on an officer, emergency responder, certain employees, or a health care professional using a motor vehicle; penalty.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 (NDCS) states that this bill does provide for potentially longer sentences for individuals who assault local jail, detention center or YRTC employees after the effective date of the act. Any increase in average daily population as a result of these longer sentences would be realized at the end of the criminal sentence. Therefore, NDCS estimates no fiscal impact from this bill during FY18 or FY19.

Lancaster County estimates that this bill could result in increased costs, but estimating an exact amount is too speculative. See their response attached for additional details not included in this fiscal note.

| ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSES | | | |
|--|-----------------|--|--|
| LB: 623 | AM: | AGENCY/POLT. SUB: Nebraska Department of Correctional Services (46) | |
| REVIEWED BY: Joe Wilcox | DATE: 2/28/2017 | PHONE: (402) 471-4178 | |
| COMMENTS: No Basis to dispute the Nebraska Department of Correctional Services estimate of No Fiscal Impact to the Agency from LB 623. | | | |

| ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSES | | | |
|---|-----------------|--|--|
| LB: 623 | AM: | AGENCY/POLT. SUB: Lancaster County | |
| REVIEWED BY: Joe Wilcox | DATE: 1/27/2017 | PHONE: (402) 471-4178 | |
| COMMENTS: No basis to dispute the Lancaster County estimate of Indeterminate fiscal impact to the County from LB 623. | | | |

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

2017

LB⁽¹⁾ 623

FISCAL NOTE

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

Prepared by: ⁽³⁾ Sara Sump Date Prepared: ⁽⁴⁾ 1/11/17 Phone: ⁽⁵⁾ 402.479.5702

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

| | <u>FY 2017-18</u> | | <u>FY 2018-19</u> | |
|--------------------|---------------------|----------------|---------------------|----------------|
| | <u>EXPENDITURES</u> | <u>REVENUE</u> | <u>EXPENDITURES</u> | <u>REVENUE</u> |
| GENERAL FUNDS | _____ | <u>0</u> | _____ | <u>0</u> |
| CASH FUNDS | _____ | _____ | _____ | _____ |
| FEDERAL FUNDS | _____ | _____ | _____ | _____ |
| OTHER FUNDS | _____ | _____ | _____ | _____ |
| TOTAL FUNDS | <u>_____</u> | <u>0</u> | <u>_____</u> | <u>0</u> |

Explanation of Estimate:

LB 623 renames the current offense of assault on an officer, an emergency responder, a state correctional officer, a Department of Health and Human Services, employee or a health care professional to assault on a public safety officer. Public safety officer includes all of the employees previously protected by this statute and adds employees of local jails, criminal detention facilities, regional centers and youth rehabilitation treatment centers (YRTC). The bill does not increase the penalties for assault on an public safety officer.

All of the conduct prohibited by assault on a public safety officer is already covered by existing assault statutes. LB 623 does provide for potentially longer sentences for individuals who assault local jail, detention center or YRTC employees after the effective date of the act. Any increase in average daily population as a result of these longer sentences would be realized at the end of the criminal sentence. As a result, NDCS estimates no fiscal impact from this legislation during the upcoming biennium.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

| <u>POSITION TITLE</u> | <u>NUMBER OF POSITIONS</u> | | <u>2017-18 EXPENDITURES</u> | <u>2018-19 EXPENDITURES</u> |
|---------------------------|----------------------------|--------------|---------------------------------|---------------------------------|
| | <u>17-18</u> | <u>18-19</u> | | |
| _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ |
| Benefits..... | _____ | _____ | _____ | _____ |
| Operating..... | _____ | _____ | _____ | _____ |
| Travel..... | _____ | _____ | _____ | _____ |
| Capital outlay..... | _____ | _____ | _____ | _____ |
| Aid..... | _____ | _____ | _____ | _____ |
| Capital improvements..... | _____ | _____ | _____ | _____ |
| TOTAL..... | _____ | _____ | _____ | _____ |

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

2017

LB⁽¹⁾ 623

FISCAL NOTE

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

Prepared by: ⁽³⁾ Joe Nigro Date Prepared: ⁽⁴⁾ January 26, 2017 Phone: ⁽⁵⁾ (402)441-7631

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

| | <u>FY 2017-18</u> | | <u>FY 2018-19</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>0</u> | <u>0</u> | <u>0</u> | <u>0</u> |
| FEDERAL FUNDS | <u>0</u> | <u>0</u> | <u>0</u> | <u>0</u> |
| OTHER FUNDS | <u>0</u> | <u>0</u> | <u>0</u> | <u>0</u> |
| TOTAL FUNDS | <u><u>0</u></u> | <u><u>0</u></u> | <u><u>0</u></u> | <u><u>0</u></u> |

Explanation of Estimate: Calculating the fiscal impact on Lancaster County is highly speculative. However, this bill would increase the penalty for a number of assaults from misdemeanors to felonies. This will increase the cost to every department involved. The Public Defender's Office already reaches caseload limits every month for felonies, resulting in the appointment of outside counsel who bill by the hour. The difference between paying outside counsel for legal services for a misdemeanor and a felony is on average around \$800 per case. Adding more staff to the Public Defender's Office is another expense. Felonies take more time to resolve, resulting in increased costs to the courts, the county attorneys, and the jail. Misdemeanors are handled in county court. Felonies start in county court, but then move up to district court, resulting in increased costs for the courts. Bonds are higher for felonies than they are for misdemeanors, resulting in more people incarcerated in jail awaiting trial. Sentences are harsher, resulting in more expense at the state level for probation and the Department of Correctional Services. The result of this legislation could be increased costs in the tens if not hundreds of thousands, but guessing an exact dollar amount involves too much speculation.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

| <u>POSITION TITLE</u> | <u>NUMBER OF POSITIONS</u> | | <u>2017-18</u> | <u>2018-19</u> |
|---------------------------|----------------------------|--------------|---------------------|---------------------|
| | <u>17-18</u> | <u>18-19</u> | <u>EXPENDITURES</u> | <u>EXPENDITURES</u> |
| | | | <u>0</u> | <u>0</u> |
| Benefits..... | | | | |
| Operating..... | | | | |
| Travel..... | | | | |
| Capital outlay..... | | | | |
| Aid..... | | | | |
| Capital improvements..... | | | | |
| TOTAL..... | | | | |