

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

<b>ESTIMATE OF FISCAL IMPACT – STATE AGENCIES</b> (See narrative for political subdivision estimates)				
	<b>FY 2017-18</b>		<b>FY 2018-19</b>	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS				
CASH FUNDS	95,000			
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	95,000			

**Any Fiscal Notes received from state agencies and political subdivisions are attached following the Legislative Fiscal Analyst Estimate.**

This bill would provide for sexual assault protection order.

The Supreme Court estimates an increase in Cash Fund expenditures of \$95,000. The Court also notes that there will be no increase in Cash Fund revenue so the impacted Cash Funds may see their balances decrease.

The Supreme Court estimates the following Cash Funds will be impacted for the following amounts:

Supreme Court Education Fund: The Court estimates \$5,000 to revise forms/curriculum, and to provide training, and

Supreme Court Automation Cash Fund: The Court estimates \$90,000 for computer programming for JUSTICE, the Court's electronic case management system.

The Department of Correctional Services (NDCS) states that any additional convictions under the changes made by this bill would increase costs to NDCS, but the fiscal impact is indeterminable at this time. See the agency response for additional details not included in this fiscal note.

For informational purposes, the Department of Correctional Services (NDCS) estimates the cost per offender (All facilities including Parole) at \$31,271 for FY16. This cost represents an average cost of all General, Cash, and Federal expenditures excluding aid, depreciation, and Capital Construction expenditures. For every inmate, NDCS 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 inmate related supplies, laundry, inmate property, miscellaneous contractual services, and inmate transportation. The FY16 per diem cost for an individual inmate was \$9,484 per year.

<b>ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY &amp; POLT. SUB. RESPONSES</b>			
<b>LB: 178</b>	<b>AM:</b>	AGENCY/POLT. SUB: <b>Nebraska Department of Correctional Services (46)</b>	
REVIEWED BY: Joe Wilcox		DATE: 2/21/2017	PHONE: (402) 471-4178
COMMENTS: No Basis to dispute the Nebraska Department of Correctional Services estimate of Indeterminate Fiscal Impact to the Agency from LB 178.			

<b>ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY &amp; POLT. SUB. RESPONSES</b>			
<b>LB: 178</b>	<b>AM:</b>	AGENCY/POLT. SUB: <b>Nebraska Supreme Court (05)</b>	
REVIEWED BY: Joe Wilcox		DATE: 2/21/2017	PHONE: (402) 471-4178
COMMENTS: No basis to dispute the Nebraska Supreme Court estimate of potential one-time Cash Fund expenditures to the Agency from LB 178.			

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**2017**

**LB<sup>(1)</sup> 178**

**FISCAL NOTE**

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

Prepared by: <sup>(3)</sup> Sara Sump Date Prepared: <sup>(4)</sup> 1/17/17 Phone: <sup>(5)</sup> 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>	<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>
<b>TOTAL FUNDS</b>	<u><u>0</u></u>	<u><u>0</u></u>	<u><u>0</u></u>	<u><u>0</u></u>

**Explanation of Estimate:**

LB 178 creates sexual assault protection orders and the criminal offense of violation of a sexual assault protection order. The penalty for violating a sexual assault protection order is a Class I misdemeanor for the first offense and a Class IV felony for a second violation within 24 months or a third or subsequent violation.

Between FY2012 and FY2016, a total of 828 individuals were admitted to NDCS custody for sexual assault-related convictions (165.6 average admissions per year, about 7% of total admissions), and the average daily population (ADP) of inmates these convictions was approximately 921 each year, or around 18% of the total incarcerated ADP.

LB 178 also expands the offense of possession of a deadly weapon by a prohibited person to include possession of a firearm, knife or brass or iron knuckles while the person is knowingly violating a sexual assault or harassment protection order. Possession of a deadly weapon is punishable as a ID felony for 1<sup>st</sup> offense and a 1B felony for subsequent offenses if the deadly weapon is a firearm and a Class III felony if it is not a firearm.

It is unknown at this time how many individuals would seek sexual assault protection orders or how many who would seek them already have another protection order in place. It is also unknown how many individuals would be prosecuted for violating a protection order twice or more within a two year period in order to be subject to a felony and be sentenced to NDCS custody. The number of current convictions for possession of a firearm by a prohibited person that involve protection orders is also unknown as that information is not contained in the sentencing order issued by the court.

For these reasons, while any additional convictions under the changes made by LB 178 would increase costs to the Department, the fiscal impact of LB 178 is indeterminable at this time

**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>
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**.....

\_\_\_\_\_  
0  
\_\_\_\_\_

\_\_\_\_\_  
0  
\_\_\_\_\_

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**2017**

**LB<sup>(1)</sup> 178**

**FISCAL NOTE**

State Agency OR Political Subdivision Name: <sup>(2)</sup> Supreme Court

Prepared by: <sup>(3)</sup> Eric Asboe Date Prepared: <sup>(4)</sup> 2/17/17 Phone: <sup>(5)</sup> 1-4138

**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	_____	_____	_____	_____
CASH FUNDS	95,000	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
TOTAL FUNDS	<u>95,000</u>	_____	_____	_____

**Explanation of Estimate:**

LB178 would increase Cash Fund expenditures for one-time costs. No increase in Cash Fund revenue is anticipated to offset the increase in expenditures. As a result, Cash Fund balances may decrease.

Supreme Court Education Fund. Estimate: \$5,000 to revise forms and curriculum and provide training.

Supreme Court Automation Cash Fund. Estimate: \$90,000 for programming, testing and updating JUSTICE, the judicial branch electronic case management system.

**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.....	_____	_____	95,000	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	95,000	_____