

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 define the term knife for certain provisions of the criminal code. Currently, “knife” is defined as “any dagger, dirk, knife, or stiletto with a blade over three and one-half inches in length” and any person who carries it concealed commits the offense of carrying a concealed weapon. This bill adds “and which, in the manner it is used or intended to be used, is capable of producing death or serious bodily injury”.

Carrying a concealed weapon is a Class I misdemeanor for the first conviction (Maximum — not more than one year imprisonment, or one thousand dollars fine, or both; Minimum — none), and for the second or subsequent conviction, it is a Class IV felony (Maximum — two years imprisonment and twelve months post-release supervision or ten thousand dollars fine, or both; Minimum — none for imprisonment and nine months post-release supervision if imprisonment is imposed).

Because the bill adds an additional requirement to carrying a concealed weapon this could result in less people being convicted of this crime which could reduce the number of people who are sent to prison.

This could result in per diem savings to the Department of Correctional Services (NDCS) because there would be fewer inmates than under current law. 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.

Fewer people sent to prison could also reduce the prison population. As of July-September 2016, the state inmate prison population was 156.72% of design capacity. In July-September 2015, the state inmate prison population was 156.47% 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 July-September 2016 inmate prison population would be 162.72% of design capacity.

Any fines assessed pursuant to convictions will accrue to the county where the violation occurs to be used for the support of public schools. If this bill reduces the number of persons convicted, this could impact the amount of fines imposed and the amount accruing to public schools. This amount is not known at this time.

The Department of Correctional Services (NDCS) estimates no fiscal impact from this bill.

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

2017

LB⁽¹⁾ 558

FISCAL NOTE

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

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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 558 amends the definitions of knife and dangerous instrument for purposes of the criminal code to include the following “and which, in the manner it is used or intended to be used, is capable of producing death or serious bodily injury”.

NDCS estimates no fiscal impact from the changes to the definition of knife and dangerous instrument proposed in LB 558.

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..... | _____ | _____ | _____ | _____ |