

FISCAL NOTE
LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)				
	FY 2020-21		FY 2021-22	
	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 provide for Class ICA and IDA felony classifications and change penalties.

Current penalties are as follows:

Class IC felony: Maximum — fifty years imprisonment; Mandatory minimum — five years imprisonment
 Class ID felony: Maximum — fifty years imprisonment; Mandatory minimum — three years imprisonment

LB985 penalties are as follows:

Class ICA felony: Maximum—fifty years imprisonment, Minimum—five years imprisonment
 Class IDA felony: Maximum—fifty years imprisonment, Minimum—three years imprisonment

Whenever a Class IC or ID felony shows up in the statutes for various crimes, this bill adds the new felonies, Class ICA and IDA. It offers the prosecutor the discretion to charge either penalty, one with mandatory minimum or one with just a minimum sentence.

This bill has the potential to reduce the prison population because the two new penalties created remove the mandatory minimum at the prosecutor's discretion.

If the impact of this bill is to decrease the state prison inmate population by more than current law, then the Department of Correctional Services (DCS) could see a reduction in their per diem costs. The FY19 per diem cost for an individual inmate was \$9,408 per year, which includes DCS inmates in county jails.

If the impact of this bill is to decrease the state prison inmate population by more than current law, this could reduce the prison population, which could help reduce prison overcrowding. As of February 2020, the prison population was 156% of design capacity, or 159% if DCS inmates housed in county jails are included.

DCS states that this bill could reduce the number of persons in prison, but the impact is indeterminable.

This fiscal note uses “design capacity” but the DCS attached response uses “operational capacity”. Design capacity is the number of inmates that planners or architects intended for the facility. Operational capacity is the number of inmates that can be accommodated based on a facility's staff, existing programs, and services.

The Board of Parole estimates no significant impact from this bill.

Sarpy County estimates no fiscal impact from this bill.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
LB: 985	AM:	AGENCY/POLT. SUB: Nebraska Department of Correctional Services (046)
REVIEWED BY: Joe Wilcox	DATE: 1/24/2020	PHONE: (402) 471-4178
COMMENTS: No basis to dispute the Nebraska Department of Correctional Services (NDCS) estimate of potential, but Indeterminable Fiscal impact to the Agency from LB 985.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
LB: 985	AM:	AGENCY/POLT. SUB: Nebraska Board of Parole (015)
REVIEWED BY: Joe Wilcox	DATE: 1/23/2020	PHONE: (402) 471-4178
COMMENTS: No basis to dispute the Nebraska Board of Parole estimate of No Fiscal impact to the Agency from LB 985.		

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE		
LB: 985	AM:	AGENCY/POLT. SUB: Sarpy County
REVIEWED BY: Joe Wilcox	DATE: 1/22/2020	PHONE: (402) 471-4178
COMMENTS: No basis to dispute the Sarpy County estimate of No Fiscal Impact to the County from LB 985.		

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

2020

LB⁽¹⁾ 985

FISCAL NOTE

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

Prepared by: ⁽³⁾ Lisa Stanton Date Prepared: ⁽⁴⁾ 01/22/2020 Phone: ⁽⁵⁾ (402)479-5702

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2020-21</u>		<u>FY 2021-22</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:

LB 985 provides for two new felony classifications and penalties. The bill could reduce the number of persons in prison. The specific amount of impact is indeterminable.

As of October – December 2019, the prison population was 117% of operational capacity. Additionally, DCS contracts with some counties to temporarily house prison inmates. If those inmates are included in the prison population numbers, then the prison population would be 119% of operational capacity. The FY19 per diem cost for an individual inmate was \$9,408 per year, which includes DCS inmates in county jails.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2020-21</u>	<u>2021-22</u>
	<u>20-21</u>	<u>21-22</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____

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

2020

LB⁽¹⁾ 985 _____

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ Nebraska Board of Parole _____

Prepared by: ⁽³⁾ Rosalyn Cotton _____ Date Prepared: ⁽⁴⁾ January 21, 2020 _____ Phone: ⁽⁵⁾ 402-479-5731 _____

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2020-21</u>		<u>FY 2021-22</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:

No Significant Impact on budget related to LB 985.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2020-21</u>	<u>2021-22</u>
	<u>20-21</u>	<u>21-22</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____

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

2020

LB⁽¹⁾ 985

FISCAL NOTE

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

Prepared by: ⁽³⁾ William E. Conley Date Prepared: ⁽⁴⁾ 1/22/2020 Phone: ⁽⁵⁾ 402-593-5958

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2020-21</u>		<u>FY 2021-22</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:

NO FISCAL IMPACT.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2020-21</u>	<u>2021-22</u>
	<u>20-21</u>	<u>21-22</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____