

**FISCAL NOTE**  
 LEGISLATIVE FISCAL ANALYST ESTIMATE

<b>ESTIMATE OF FISCAL IMPACT – STATE AGENCIES</b> (See narrative for political subdivision estimates)				
	<b>FY 2020-21</b>		<b>FY 2021-22</b>	
	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 limit habitual criminal enhancement to violent felonies, which is defined in the bill. These habitual criminal enhancements come with mandatory minimums.

This bill has the potential to reduce the number of persons in prison by having habitual criminal enhancements apply only to a “violent felony”, rather than just a “felony”.

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 Supreme Court estimates a minimal fiscal impact from the provisions of this bill.

<b>ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY &amp; POLT. SUB. RESPONSE</b>			
<b>LB: 959 Revised</b>	<b>AM:</b>	AGENCY/POLT. SUB: <b>Nebraska Department of Correctional Services (046)</b>	
REVIEWED BY: Joe Wilcox	DATE: 1/23/2020	PHONE: (402) 471-4178	
COMMENTS: No basis to dispute the Nebraska Department of Correctional Services (NDCS) estimate of potential, but Indeterminate Fiscal impact to the Agency from LB 959.			

<b>ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY &amp; POLT. SUB. RESPONSE</b>			
<b>LB: 959</b>	<b>AM:</b>	AGENCY/POLT. SUB: <b>Nebraska Supreme Court (005)</b>	
REVIEWED BY: Joe Wilcox	DATE: 2/10/2020	PHONE: (402) 471-4178	
COMMENTS: No basis to dispute the Nebraska Supreme Court estimate of “Minimal” Fiscal Impact to the Agency from LB 959.			

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

**2020**

**LB<sup>(1)</sup> 959 (REVISED fiscal note)**

**FISCAL NOTE**

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

Prepared by: <sup>(3)</sup> Lisa Stanton Date Prepared: <sup>(4)</sup> 01/22/2020 Phone: <sup>(5)</sup> (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	_____	_____	_____	_____
<b>TOTAL FUNDS</b>	<b>=====</b>	<b>=====</b>	<b>=====</b>	<b>=====</b>

**Explanation of Estimate:**

LB 959 changes provisions relating to the habitual criminal enhancement. 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.....	_____	_____	_____	_____
<b>TOTAL.....</b>	_____	_____	_____	_____

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

2020

LB<sup>(1)</sup> 959

FISCAL NOTE

State Agency OR Political Subdivision Name: <sup>(2)</sup> 05 Supreme Court

Prepared by: <sup>(3)</sup> Eric Asboe Date Prepared: <sup>(4)</sup> 2/7/20 Phone: <sup>(5)</sup> 1-4138

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	FY 2020-21		FY 2021-22	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	_____	_____	_____	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
TOTAL FUNDS	=====	=====	=====	=====

Explanation of Estimate:

Minimal fiscal impact to provide judicial branch education.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

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