

PREPARED BY: Kenneth Boggs
 DATE PREPARED: March 09, 2023
 PHONE: 402-471-0050

LB 717

Revision: 00

FISCAL NOTE
 LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)				
	FY 2023-24		FY 2024-25	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	See below		See below	
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	See below		See below	

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

LB 717 offers to provide for criminal persecution of persons under fourteen years of age accused of murder in the first or second degree. This bill would change the jurisdiction under the Nebraska Juvenile Code.

Expenditures:

The Nebraska Department of Correctional Services states that LB 717 could increase the prison population but the specific amount of impact is indeterminable.

The Department of Health and Human Services states that LB 717 at a minimum would have additional cost of \$803.63 per day for individuals ordered to the Youth Rehabilitation and Treatment Center- Kearney (YRTC-K). They have concerns due to LB 717 extending the age of individuals who can be committed until the age 25. DHHS is concerned that YRTC depending on the volume of individuals committed over the age of 19 that the YRTCS would need to be redesigned or build new buildings.

The Supreme Court would have an increase in workload and probation but the impact is indeterminate at this time.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE			
LB: 717	AM:	AGENCY/POLT. SUB: Nebraska Department of Correctional Services (046)	
REVIEWED BY: Joe Wilcox	DATE: 02/07/2023	PHONE: (402) 471-4178	
COMMENTS: No disagreement with the Nebraska Department of Correctional Services (NDCS) estimate of Potential, but Indeterminate Fiscal Impact to the Agency from LB 717.			

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE			
LB: 717	AM:	AGENCY/POLT. SUB: Nebraska Department of Health and Human Services (025)	
REVIEWED BY: Joe Wilcox	DATE: 03/10/2023	PHONE: (402) 471-4178	
COMMENTS: No disagreement with the Nebraska Department of Health and Human Services (DHHS) estimate of Potential, but Indeterminate Fiscal Impact to the Agency from LB 717.			

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE			
LB: 717	AM:	AGENCY/POLT. SUB: Nebraska Supreme Court (005)	
REVIEWED BY: Joe Wilcox	DATE: 03/13/2023	PHONE: (402) 471-4178	
COMMENTS: No disagreement with the Nebraska Supreme Court estimate of Minimal Fiscal Impact to Agency from LB 717, with no additional resources required.			

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

2023

LB⁽¹⁾ 717

FISCAL NOTE

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

Prepared by: ⁽³⁾ Lisa Stanton Date Prepared: ⁽⁴⁾ 01/23/2023 Phone: ⁽⁵⁾ (402)479-5702

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2023-24</u>		<u>FY 2024-25</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 717 provides for criminal prosecutions of persons under fourteen years of age for murder in the first or second degree and changes jurisdiction under the Nebraska Juvenile Code. The bill could increase the number of persons in prison. The specific amount of impact is indeterminable.

There are five cases in Nebraska for first degree murder over the past five years where the offender was 14 or younger at the time of the offense. All of those cases are still in process.

As of December 2022, the average daily prison population (ADP) was 147% of design capacity. The FY22 per diem cost was \$28.38 for each inmate, or \$10,358.63 per year.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2023-24 EXPENDITURES</u>	<u>2024-25 EXPENDITURES</u>
	<u>23-24</u>	<u>24-25</u>		
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	=====	=====	=====	=====

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

State Agency or Political Subdivision Name:(2) Department of Health and Human Services

Prepared by: (3) John Meals

Date Prepared 3-10-2023

Phone: (5) 471-6719

	<u>FY 2023-2024</u>		<u>FY 2024-2025</u>	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS				
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	See Below		See Below	

Return by date specified or 72 hours prior to public hearing, whichever is earlier.

Explanation of Estimate:

LB 717 will provide for criminal prosecution of persons under fourteen years of age accused of murder in the first or second degree and changes definitions and jurisdictions under the Nebraska Juvenile Code. These changes regard the "Age of Majority" and the term "Juvenile".

Under this bill the "Age of Majority" would be re-defined as nineteen years of age or twenty-five years of age if such person was adjudicated for a violation of Neb. Rev. Stat. §§ 28-303 or 28-304. A "Juvenile" under this bill would be re-defined as any person under the age of eighteen or a person who is under twenty-five years of age if such person was adjudicated for a violation of Neb. Rev. Stat. §§ 28-303 or 28-304.

Currently, youth prosecuted for 1st or 2nd degree murder are committed to Nebraska Youth Correctional Facility (NCYF). If this bill extends the age of individuals who could be committed to the Youth Rehabilitation and Treatment Center (YRTC) to age 25, there would be an impact on the facilities. The facilities are designed as juvenile treatment and rehabilitation centers and are not designed to serve both individuals under age 19 and over age 19.

Currently, the YRTCs do not have adult programming, housing units, education facilities, or any buildings intended for providing services to individuals over age 19. If someone over age 19 were to be committed to the YRTC under this statutory change, the YRTC would have to ensure sight and sound separation, including separate housing. Depending on the volume of individuals committed under this section, the YRTCs would need to redesign existing physical structures or build new buildings.

The average cost to house a youth on YRTC-Kearney campus is \$803.63 per day. The average length of stay per individual at YRTC-K is 8 months. This average of 243 days at \$803.63 per day results in approximately \$195,550 per individual at YRTC-K. The rate to house youth on other campuses will vary.

Although the changes proposed in this bill do not necessarily dictate an increase in cost, the concerns identified with this bill indicate an individual could continue to be ordered to the YRTC past age 19. At a minimum, the cost would be an additional \$803.63 per day.

PERSONAL SERVICES:

POSITION TITLE	NUMBER OF POSITIONS		2023-2024 EXPENDITURES	2024-2025 EXPENDITURES
	23-24	24-25		
Benefits.....				
Operating.....				
Travel.....				
Capital Outlay.....				

Aid.....

Capital Improvements.....

TOTAL.....

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2023

LB⁽¹⁾ 717

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ 05 Supreme Court

Prepared by: ⁽³⁾ Eric Asboe Date Prepared: ⁽⁴⁾ 3/10/2023 Phone: ⁽⁵⁾ 402-326-9215

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2023-24</u>		<u>FY 2024-25</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:

LB717 would increase judicial workload and potentially Probation resources. No reasonable estimate of the impact can be determined at this time. Although the number of court cases that would be involved is small, the time and resources that would be spent on each is unknown. No additional resources required.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2023-24</u>	<u>2024-25</u>
	<u>23-24</u>	<u>24-25</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____