

PREPARED BY: Kenneth Boggs
DATE PREPARED: January 22, 2025
PHONE: 402-471-0050

LB 99

Revision: 00

FISCAL NOTE

LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)

	FY 2025-26		FY 2026-27	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	\$6,311,112		\$6,318,181	
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	\$6,311,112		\$6,318,181	

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

LB 99 introduces reforms to correctional practices, including limiting restrictive housing to 15 consecutive days and banning solitary confinement defined as prolonged isolation with minimal interaction or sensory input. It also prohibits placing vulnerable populations, such as youth and pregnant individuals, in restrictive housing except in emergencies and mandates annual reporting on demographic and mental health data for inmates. Additional measures include banning corporal punishment, protecting basic necessities, and ensuring at least six hours of daily out-of-cell time in general population housing.

The Nebraska Department of Correctional Services (NDCS) states that changes to restrictive housing, solitary confinement, and the management of serious mental illness (SMI) in Nebraska's correctional facilities will require significant adjustments. To comply, NDCS will need 56 additional full-time staff to provide increased out-of-cell time for inmates in restrictive housing, with projected costs reaching \$5.3 million annually by FY27. Outdoor lighting upgrades, estimated at \$116,111, will enable extended yard hours, while a \$900,000 Master Plan and \$1 million in additional studies will address necessary facility modifications.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE			
LB: 99	AM:	AGENCY/POLT. SUB: Department of Corrections	
REVIEWED BY:	Jacob Leaver	DATE: 1/22/2025	PHONE: (402) 471-4173
COMMENTS: Concur with the Department of Corrections' estimated fiscal impact as a result of LB 99.			

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2025

LB⁽¹⁾ 99

FISCAL NOTE

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

Prepared by: ⁽³⁾ Lisa Stanton Date Prepared: ⁽⁴⁾ 01/16/2025 Phone: ⁽⁵⁾ (402)479-5702

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2025-26</u>		<u>FY 2026-27</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	<u>\$6,311,112</u>	<u></u>	<u>\$6,318,181</u>	<u></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>
TOTAL FUNDS	<u>\$6,311,112</u>	<u></u>	<u>\$6,318,181</u>	<u></u>

Explanation of Estimate:

LB99 limits the use of restrictive housing, changes the management of serious mental illness (SMI), and changes the definition of solitary confinement.

Since existing restrictive housing inmates often have some limitation on either property, visitation, or participation in group activities, to comply with the new definition of solitary confinement those incarcerated individuals would need to be out of their cells for at least two hours each day. Current practice allows restrictive housing inmates approximately one hour out of cell time each day. Accommodating the additional time will require additional staff at NSP, TSCI and RTC to coordinate and handle the movement, as well as moving to a 24/7 operational day (inmate movement 24/7) in the restrictive housing units at NSP, TSCI, RTC, and OCC. During FY 2024 NDCS had a restrictive housing average daily population of 193 inmates. When an inmate is released out of their cell it takes two staff escorts to ensure safe movement and supervision for all individuals involved. To staff one post at a facility 24 hours a day seven days a week requires 5.2 FTE. NDCS will need an additional 56 FTE to provide 24/7 staffing in all restrictive housing units and to manage the out of cell time requirement in this bill.

The staffing requirements identified above total an estimated cost of \$5,295,001 in FY26 and \$5,318,181 in FY27. This amount includes \$3,739,114 in FY26 and \$3,851,287 in FY27 for PSL, \$1,308,690 in FY26 and \$1,347,950 in FY27 for benefits, and \$247,197 in FY26 and \$118,944 in FY27 for uniforms, radios and other equipment and services. The 56 FTE breakdown as follows: 32 Corporals, 11 Sergeants, 9 Unit Caseworkers and 4 Lieutenants.

To comply with the solitary confinement and SMI changes, NDCS would also need to install outdoor lighting in the RHU yards to provide extended yard hours and facilitate additional out-of-cell time at NSP, TSCI, RTC, OCC and NCCW. The estimated cost for light poles and lights is \$116,111.

LB99 changes the definition of restrictive housing to out-of-cell time of less than ten hours per day and adds that no inmate shall be held in restrictive housing for more than fifteen consecutive days. In order to do so, smaller yards would need to be constructed, and dayroom, dining and programming space would need to be added. Current facilities are not physically designed to accommodate this safely and with adequate supervision. NDCS would contract with a vendor to develop a Master Plan for restrictive housing and secure mental health housing. The cost of the Master Plan is estimated at \$900,000. Upon completion of the plan, NDCS would contract with a vendor to do a study and develop program statements identifying necessary facility modifications at all facilities, except the two community correction's facilities and the Work Ethic Camp. The cost of the studies and program statements is estimated at \$200,000 for each facility or \$1,000,000 total. Following completion of the study and program statement NDCS will assess additional staffing needs which are anticipated to be significant.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2025-26</u>	<u>2026-27</u>
	<u>25-26</u>	<u>26-27</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
Corporals	32.0		\$2,036,823	\$2,097,927
Sergeants	11.0		\$800,079	\$824,082
Unit Caseworkers	9.0		\$572,856	\$590,042
Lieutenants	4.0		\$329,355	\$339,236
Benefits.....			\$1,308,690	\$1,347,950
Operating.....			\$1,263,309	\$1,118,944
Travel.....				
Capital outlay.....				
Aid.....				
Capital improvements.....				
TOTAL.....			\$6,311,112	\$6,318,181