

PREPARED BY: Doug Nichols  
 DATE PREPARED: February 25, 2009  
 PHONE: 471-0052

**LB 238**

Revision: 00

**FISCAL NOTE**  
 LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES *				
	FY 2009-10		FY 2010-11	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS				
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS				

\*Does not include any impact on political subdivisions. See narrative for political subdivision estimates.

This bill would adopt the Public Power Infrastructure Protection Act and change penalty provisions regarding trespass. The bill has the emergency clause.

This bill makes it a Class IV felony (0-5 years) to willfully damage any facility, machine, electric wire, etc. of a public power supplier that is used to generate or distribute electricity, or for any act that interrupts the generation, transmission, or distribution of electricity. It is a Class II felony (1-50 years) if the aforementioned is done to a nuclear electrical generating facility, or if the unspent nuclear fuel is stolen or otherwise rendered unusable or unsafe. The bill also outright repeals Section 70-310: Poles or wires; interference; penalty. Any person who willfully and maliciously breaks, injures, removes, or otherwise interferes with any electric poles or wires is guilty of a Class IV misdemeanor.

The Department of Correctional Services (DCS) states that for the crime of criminal mischief they have had 26 admissions in FY07, 17 in FY08, and 11 year-to-date. This crime is a Class IV felony (0-5 years) if the actor intentionally or maliciously causes pecuniary loss of one thousand five hundred dollars or more, or causes a substantial interruption or impairment of public communication, transportation, supply of water, gas, or power, or other public service.

DCS does not know how many of the aforementioned admissions are due to interruption of a public service. There may be a slight increase in sentences to DCS, but the impact is indeterminable at this time.

DCS current inmate population is 4413 (2/17/2009). The FY08 per diem (cost per day of feeding, clothing, housing, medical, etc) for an individual inmate was \$5,509 per year.

DEPARTMENT OF ADMINISTRATIVE SERVICES

REVIEWED BY	Cindy Miserez	DATE	1/29/09	PHONE	471-2526
COMMENTS					
CORRECTIONAL SERVICES – I have no basis to confirm or verify.					