

**FISCAL NOTE**  
 LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES *				
	FY 2010-11		FY 2011-12	
	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 change provisions relating to murder in the second degree and create the offenses of voluntary and involuntary manslaughter.

The Department of Correctional Services (DCS) states that individuals sentenced under the provisions of this bill could serve significantly longer sentences than under current law, but the fiscal impact is not determinable. Their response follows:

LB1062 amends the statutes to create a new offense of voluntary manslaughter. (Class II felony, minimum 1 year imprisonment, maximum 50 years imprisonment).

Currently, manslaughter is a Class III felony (minimum 1 year imprisonment, maximum 20 years imprisonment).

The Nebraska Department of Correctional Service (NDCS) had 9 admissions in CY2008 and 12 admissions in CY2009 for manslaughter. Of those 21 admissions, fifteen (15) or 71% had maximum sentences of 20 years.

There are currently 115 inmates incarcerated for manslaughter. Of those 115, only 33 (29%) have maximum sentences less than 20 years.

NDCS is unable to determine how many of those currently incarcerated or admitted in the last two years for manslaughter might have been convicted of voluntary manslaughter instead. However, the fiscal note assumes that, if the bill passes, it is likely that a number of admissions for manslaughter might be for the new offense of voluntary manslaughter.

Given that the majority of individuals sentenced and currently incarcerated for manslaughter are serving the maximum term, it is likely that individuals sentenced for voluntary manslaughter will serve significantly longer sentences, which will impact (increase) the NDCS population.

DCS current inmate population is 4,479 (2/16/2010).

The FY09 per diem (cost per day of feeding, clothing, housing, medical, etc) for an individual inmate was \$5,580/yr.