

FISCAL NOTE

LEGISLATIVE FISCAL ANALYST ESTIMATE

Updated for amendments adopted through May 20, 2015.

| ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates) | | | | |
|---|-------------------|---------|-------------------|---------|
| | FY 2015-16 | | FY 2016-17 | |
| | EXPENDITURES | REVENUE | EXPENDITURES | REVENUE |
| GENERAL FUNDS | (12,491) | | (129,225) | |
| CASH FUNDS | | | | |
| FEDERAL FUNDS | | | | |
| OTHER FUNDS | | | | |
| TOTAL FUNDS | (12,491) | | (129,225) | |

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

This bill, as amended, would eliminate certain mandatory minimum penalties.

Eliminating mandatory minimum penalties could reduce the state prison inmate population because inmates would not have to serve a mandatory minimum sentence before being able to earn good time. This could result in offenders be paroled or released earlier.

The Department of Correctional Services (DCS) estimates that inmates could reach their parole eligibility dates and tentative release dates approximately 2.3 years sooner than under current law. This could result in a savings of \$12,491 in FY16 and \$129,225 in FY17. Please note that these amounts are the averages of the range provided by DCS. See the attached DCS response for details.

The FY14 per diem for an individual inmate was \$7,124 per year. This is the cost for food, medical care, inmate wages, clothing, cleaning supplies, food service supplies, cell and dorm supplies, other supplies, and transportation.

As of April 30, 2015, the inmate prison population was approximately 160% of design capacity. On April 30, 2014, the inmate prison population was 156% of design capacity.

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2015

LB⁽¹⁾ 173 AM 1641

FISCAL NOTE

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

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ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

| | <u>FY 2015-16</u> | | <u>FY 2016-17</u> | |
|--------------------|-----------------------------|-----------------------------|-----------------------------|-----------------------------|
| | <u>EXPENDITURES</u> | <u>REVENUE</u> | <u>EXPENDITURES</u> | <u>REVENUE</u> |
| GENERAL FUNDS | <u>(12,491)</u> | <u> </u> | <u>(129,225)</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>(12,491)</u> | <u> </u> | <u>(129,225)</u> | <u> </u> |

Explanation of Estimate:

LB173 AM1641 proposes to eliminate the 5 year mandatory minimum for Class IC felonies and the 3 year mandatory minimum from Class ID felonies. These proposed changes do not create a new offense or broaden the applicability of any existing offense. Therefore, assuming that prosecutors and judges do not change the manner in which they charge and sentence defendants, this bill would have a negligible impact on NDCS admissions.

Eliminating mandatory minimums from Class IC and ID felonies, however, will impact NDCS's average daily population because it allows inmates to begin accruing good time credits in accordance with N.R.S. §83-1,107 upon admission, rather than after first serving the mandatory minimum portion of their sentence. The bill also affects the parole eligibility of inmates convicted of Class IC and ID felonies as they would be eligible for parole after serving half of their minimum term rather than having to serve the entire mandatory minimum prior to parole eligibility.

Data from inmates convicted of Class 1C and/or Class 1D felonies between FY2010 and FY2014 suggest that the changes in LB172 would enable inmates to reach their parole eligibility dates and tentative release dates approximately 2.3 years sooner than under the current sentencing scheme. As a result, the decrease in the average daily population is estimated to be between 11-25 inmates during FY2016, and between 29-51 inmates during FY2017. (The population impacts are projected as a range because it is unknown whether or when inmates may be paroled in the future.) We can expect the resulting reduction in correctional costs to be between \$6,245 and \$18,737 for FY2016, and between \$78,773 and \$179,677 for FY2017. This note assumes that the provisions of LB 173 are prospective and only affect offenders convicted on or after the effective date of the act.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

| <u>POSITION TITLE</u> | <u>NUMBER OF POSITIONS</u> | | <u>2015-16</u> | <u>2016-17</u> |
|---------------------------|-----------------------------|-----------------------------|-----------------------------|-----------------------------|
| | <u>15-16</u> | <u>16-17</u> | <u>EXPENDITURES</u> | <u>EXPENDITURES</u> |
| Benefits..... | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| Operating..... | <u> </u> | <u> </u> | <u>(12,491)</u> | <u>(129,225)</u> |
| Travel..... | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| Capital outlay..... | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| Aid..... | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| Capital improvements..... | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| TOTAL..... | <u> </u> | <u> </u> | <u>(12,491)</u> | <u>(129,225)</u> |