

FISCAL NOTE
LEGISLATIVE FISCAL ANALYST ESTIMATE

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

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

This bill would change motor vehicle homicide penalties and provide penalties for causing serious bodily injury to vulnerable road users. The penalty is a Class IV felony (Maximum - five years imprisonment, or ten thousand dollars fine, or both; Minimum – none).

Vulnerable road user means a pedestrian, person riding an animal, or a person lawfully operating a bicycle, farm tractor, moped, motorcycle, horse-drawn carriage, an electric personal assistive mobility device, or a wheelchair on a crosswalk, highway, or shoulder of a highway.

The Department of Correctional Services (DCS) estimates a small impact on the inmate population due to this bill. See their attached response for details.

The Department of Motor Vehicles estimates no fiscal impact from this bill.

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

2015

LB⁽¹⁾ 38

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>0</u> | <u>0</u> | <u>0</u> | <u>0</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><u>0</u></u> | <u><u>0</u></u> | <u><u>0</u></u> | <u><u>0</u></u> |

Explanation of Estimate:

LB38 amends the motor vehicle homicide statute to create a Class 4 felony penalty for motor vehicle homicide involving a vulnerable road user if the proximate cause of death is careless driving in violation of 60-6,212. The bill also makes it a Class IV felony to seriously injure a vulnerable road user while driving carelessly.

This bill is expected to have a negligible effect on the NDCS inmate population as all of the conduct prohibited by the bill is currently covered by the existing criminal statutes prohibiting motor vehicle homicide and/or assault. Motor Vehicle homicide convictions are also a relatively small component of overall NDCS admissions and population. Between 2010 and 2014, inmates convicted of motor vehicle homicide accounted for approximately 0.4% of all admissions per year (n=10) and 0.7% of the average daily incarcerated population (n=31).

There is the possibility that individuals would be charged under the new provision instead of motor vehicle homicide which could result in longer lengths of stay due to the lower penalty class for MV homicide (Class I Misdemeanor vs Class IV felony). This would not have a significant impact on the Department, however, as NDCS currently averages only 2 admissions per year for misdemeanor motor vehicle homicide.

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> |
| <u>Benefits.....</u> | <u></u> | <u></u> | <u></u> | <u></u> |
| <u>Operating.....</u> | <u></u> | <u></u> | <u></u> | <u></u> |
| <u>Travel.....</u> | <u></u> | <u></u> | <u></u> | <u></u> |
| <u>Capital outlay.....</u> | <u></u> | <u></u> | <u></u> | <u></u> |
| <u>Aid.....</u> | <u></u> | <u></u> | <u></u> | <u></u> |
| <u>Capital improvements.....</u> | <u></u> | <u></u> | <u></u> | <u></u> |
| TOTAL..... | <u></u> | <u></u> | <u>0</u> | <u>0</u> |

NEBRASKA DEPARTMENT OF MOTOR VEHICLES

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ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

| | FY 2015-2016 | | FY 2016-2017 | |
|---------------|--------------|---------|--------------|---------|
| | EXPENDITURES | REVENUE | EXPENDITURES | REVENUE |
| GENERAL FUNDS | _____ | _____ | _____ | _____ |
| CASH FUNDS | _____ | _____ | _____ | _____ |
| FEDERAL FUNDS | _____ | _____ | _____ | _____ |
| OTHER FUNDS | _____ | _____ | _____ | _____ |
| TOTAL FUNDS | \$ - | \$ - | \$ - | \$ - |

Explanation of Estimate:

No fiscal impact is anticipated.

| MAJOR OBJECTS OF EXPENDITURE | | | | |
|------------------------------|---------------------|-------|--------------|--------------|
| POSITION TITLE | NUMBER OF POSITIONS | | FY 2015-2016 | FY 2016-2017 |
| | 15-16 | 16-17 | EXPENDITURES | EXPENDITURES |
| Benefits | _____ | _____ | _____ | _____ |
| Operating | _____ | _____ | _____ | _____ |
| Travel | _____ | _____ | _____ | _____ |
| Capital Outlay | _____ | _____ | _____ | _____ |
| Aid | _____ | _____ | _____ | _____ |
| Capital Improvements | _____ | _____ | _____ | _____ |
| Total | _____ | _____ | \$ - | \$ - |