

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	(1,098,902)		(3,260,072)	
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	(1,098,902)		(3,260,072)	

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

This bill would change provisions relating to indeterminate sentencing.

The Department of Correctional Services (DCS) estimates the following impact from this bill:

ITEMS	FY2015-16	FY2016-17	FY2015-16	FY2016-17
	Number of Positions		Expenditures	
Corrections Parole Officer / Sr.	10	10	190,255	380,510
Corrections Parole Supervisor	1	1	23,780	47,561
Benefits			64,211	128,421
Operating (per diem)			(1,532,148)	(3,846,564)
Travel			15,000	30,000
Capital Outlay			140,000	0
TOTAL	11	11	(1,098,902)	(3,260,072)

See the agency response following for additional details.

The FY14 per diem cost 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 January 31, 2015, the inmate prison population was almost 160% of design capacity. On January 31, 2014, the inmate prison population was almost 155% of design capacity.

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2015

LB⁽¹⁾ 483

FISCAL NOTE

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

Prepared by: ⁽³⁾ Chris Peters Date Prepared: ⁽⁴⁾ 2/9/2015 Phone: ⁽⁵⁾ (402) 479-5702

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>(1,098,902)</u>	<u>0</u>	<u>(3,280,072)</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>(1,098,902)</u>	<u>0</u>	<u>(3,280,072)</u>	<u>0</u>

Explanation of Estimate:

LB483 proposes that the current language in N.R.S. §29-2204 be amended to require court to impose minimum sentences which are not more than one-third of the maximum sentence for all felony classes. Currently, this “one-third rule” applies to Class IV felonies. Assuming that prosecutors and judges do not change the manner in which they charge and sentence defendants, this bill is expected to virtually eliminate flat sentences and significantly decrease the number of inmates admitted to prison with minimum sentences that exceed one-third of the maximum. Furthermore, these changes will result in earlier parole eligibility dates for a number of offenders, thereby reducing NDCS’s average daily population levels.

Data from inmates who were admitted during FY2014 indicate that 49.7% of new admissions have minimum terms which exceeded one-third of their maximum term and would be affected by the changes in LB 483. The changes in LB483 would enable these inmates to reach their parole eligibility dates approximately 1.8 years sooner than current sentencing practices. The changes in this bill do not affect inmates’ tentative release dates, so it is possible that no actual reduction in population would occur if inmates are not released earlier on parole.

In FY 2014, inmates paroled an average of 39 days past their parole eligibility date. If all inmates were paroled in this manner, one could expect to see the average daily population decrease by 454 inmates during FY2016 and by 561 inmates during FY2017. It is estimated that the realized savings in Per Diem would begin halfway into FY16, saving NDCS \$1.6M the first year, and \$4.0M during FY2017.

These savings would be partially offset by the need to hire additional parole officers to supervise the increased number of offenders released on parole. Salaries, benefits, as well as increased costs for electronic monitoring, office equipment, additional vehicles and operating expenses would be prorated for 6 months of FY2016.

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>
Corrections Parole Officer / Sr.	<u>10</u>	<u>10</u>	<u>190,255</u>	<u>380,510</u>
Corrections Parole Supervisor	<u>1</u>	<u>1</u>	<u>23,780</u>	<u>47,561</u>
Benefits.....			<u>64,211</u>	<u>128,421</u>
Operating.....			<u>(1,532,148)</u>	<u>(3,846,564)</u>
Travel.....			<u>15,000</u>	<u>30,000</u>
Capital outlay.....			<u>140,000</u>	<u> </u>
Aid.....			<u> </u>	<u> </u>
Capital improvements.....			<u> </u>	<u> </u>
TOTAL.....			<u>(1,098,902)</u>	<u>(3,260,072)</u>