PREPARED BY: DATE PREPARED: PHONE: Doug Nichols March 29, 2018 402-471-0052

LB 841

Revision: 01

FISCAL NOTE

Updated for amendments adopted through March 29, 2018.

LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT - STATE AGENCIES (See narrative for political subdivision estimates)						
	FY 201	FY 20	′ 2019-20			
	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.

LB841, as amended by AM2634, would change the name of the *Office of Parole Administration* to the *Division of Parole Supervision*, and also changes the name of the *Parole Administrator* to the *Director of Supervision and Services*. The bill would make other changes relating to parole administration. The bill allows funds in the Parole Program Cash Fund to be used for evidence-based peer and family support programs. The bill changes the Board of Parole's jurisdiction over medical parole as specified.

The bill authorizes the Division of Parole and Board of Parole to maintain individual electronic files on parolees and outlines the information that shall be included in the files. Parole decisions shall be decided on the basis of reviews of these files, which shall remain confidential and for Division of Parole and Parole Board use only. Public counsel shall have access to the Parole files as needed.

The bill amends section 83-184 to authorize the Nebraska Department of Correctional Services (NDCS) to allow inmates to go into the community to participate in substance abuse evaluations, treatment, rehabilitative programming or treatment, seek residency or employment, or participate in structured programming. It states that NDCS shall collaborate with community-based providers to enhance the availability of community-based options.

The bill states that the Board of Parole shall review the record of every parole-eligible committed offender annually when he or she is within three years of his or her earliest parole eligibility date. The board is not required to review the record when the committed offender's parole eligibility date is within one month of his or her mandatory discharge date. It also allows a person to complete programming on parole if such programming cannot be completed in prison.

The bill creates the Board of Parole Grant Awards Cash Fund. All public grants funds awarded to the Board of Parole are to be credited to the fund and utilized for the purposes stated in the individual grant applications and awards.

The bill expands the felony penalty against threatening harm against a Board of Parole member with the purpose to influence a decision to include an employee of the Board of Parole. A person shall be guilty of a Class IV felony for such threats (Maximum — two years imprisonment and twelve months post-release supervision or ten thousand dollars fine, or both; Minimum — none for imprisonment and nine months post-release supervision if imprisonment is imposed).

This bill would require the Medical Director for NDCS to establish a protocol to determine whether an inmate soon to be released should be prescribed and dispensed a medication-assisted treatment that could assist in reducing or eliminating the inmate's use of opiates upon release.

This bill would require the Department of Correctional Services (NDCS) to conduct a department-wide staffing analysis of all positions in an effort to make a comprehensive determination of staffing needs. NDCS shall provide a report of such analysis to the Legislature by September 15, 2020, with updates at least every 6 years thereafter.

LB841, as amended, would require the Nebraska Department of Correctional Services to collaborate with Parole to develop policies and procedures that would operate in the event a correctional system overcrowding emergency is ever declared or is determined to exist. The agencies are to submit to the Legislature a proposed plan, on or before December 1, 2018, which describes the process of implementing the accelerated parole review process.

The following section is outright repealed: Section 83-1,124. The title to this sections reads as follows: Parolee; unauthorized leaving of state; penalty; where tried; cost of return; paid by state.

The provisions of this bill that expand the felony penalty against threatening harm to include an employee of the Board of Parole has the potential to increase the prison population. This is because a Class IV felony has a maximum penalty of two years imprisonment (see above for specific penalty provisions).

If the impact of this bill is to increase the inmate prison population by more than current law, NDCS could incur additional per diem costs. This is the cost for food, medical care, inmate wages, clothing, cleaning supplies, food service supplies, cell and dorm supplies, other inmate related supplies, laundry, inmate property, miscellaneous contractual services, and inmate transportation. The FY17 per diem cost for an individual inmate was \$8,649 per year, which includes NDCS inmates in county jails.

Additionally, this bill could potentially increase the prison population. As of October-December 2017, the prison population was 156.74% of design capacity. Additionally, the Department of Correctional Services contracts with some counties to temporarily house prison inmates. If those inmates are included in the prison population numbers, then the prison population would be 159% of design capacity.

For informational purposes, the Department of Correctional Services estimates the cost per offender (All facilities including Parole) at \$31,271 for FY16. This cost represents an average cost of all General, Cash, and Federal expenditures excluding aid, depreciation, and Capital Construction expenditures.

A Class IV felony also carries a fine as a possible penalty (see above for specific penalty provisions). Any fines assessed pursuant to convictions will accrue to the county where the violation occurs to be used for the support of public schools.

The Department of Health and Human Services (HHS) has contacted the Legislative Fiscal Office (LFO) and stated that there is no fiscal impact from AM2634.

The Supreme Court, Board of Parole, University of Nebraska, Community College Association, State Patrol, and Crime Commission estimate no fiscal impact from this bill, as amended by AM2634.

The Lancaster County Department of Corrections and the Lincoln/Lancaster County Human Services estimate a FY18-19 cost of \$1,201,000, from this bill, as amended. Approximately \$751,000 of this cost would be in their corrections department for felony sanctions, and \$450,000 would be from county General Assistance for an estimated 10 persons.

Lancaster County states that since the Justice Reinvestment Act was passed in 2015 (LB605), their corrections department has processed over 300 felony sanctions totaling over 7,500 days served in their jail through 2017. They state it is difficult to estimate the number of persons who would be paroled because of a declared correctional system overcrowding emergency, but they estimate some of these parolees will be re-incarcerated in the Lancaster County jail. Lancaster County states that it costs \$100 per day per person to incarcerate a person in their jail. It appears Lancaster County used the number of days served since 2017 for felony sanctions to arrive at the estimated cost of approximately \$751,000.

For the provision of the bill that allows an inmate with a terminal illness to be considered for medical parole, Lancaster County states that without medical insurance established prior to discharge, released inmates will probably end up on General Assistance, funded by the county. The bill defines terminal illness as an incurable and irreversible illness that will result in death within six months. Lancaster County estimates a cost of \$45,000 per person for 6 months who could receive General Assistance, and they estimate 10 persons per year could receive such assistance, for a cost of \$450,000 per year.

The Lancaster County Department of Corrections and the Lincoln/Lancaster County Human Services fiscal note shows they are responding to "AM2624". Because there is no amendment filed on this bill with that number LFO is assuming that the amendment that Lancaster County is responding to is "AM2634".

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE							
LB: 841 AM: AGENCY/POLT. SUB: Nebraska Board of Parole (015)							
REVIEWED BY: Joe Wilcox DATE: 03/28/2018 PHONE: (402) 471-4178							
	COMMENTS: No basis to dispute the Nebraska Board of Parole estimate of No Fiscal Impact to the Agency from the reporting provisions of LB 841						

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE

LB: 841 AM: 2634 AGENCY/POLT. SUB: Lancaster County Department of Corrections

REVIEWED BY: Joe Wilcox DATE: 03/28/2018 PHONE: (402) 471-4178

COMMENTS: No basis to dispute the specific estimates of potential costs to Lancaster County Department of Corrections from AM 2634 to LB 841, however, the estimates overall appear to be worst-case scenarios assuming that inmates paroled by the Nebraska Department of Correctional Services will end up in County Jails (which is not necessarily reasonable since if the parolees violate parole they would be returned to state prison, not county jail), and that inmates on medical release will have medical costs borne by the County, which is, again, not a reasonable assumption. Also the cost estimates are only provided for FY 2018-19, not ongoing.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE

LB: 841 AM: 2634 AGENCY/POLT. SUB: Nebraska State Patrol (064)

REVIEWED BY: Joe Wilcox DATE: 03/29/2018 PHONE: (402) 471-4178

COMMENTS: Concur with the Nebraska State Patrol estimate that the Impact of AM 2634 to LB 841 eliminates the potential fiscal impact to the Agency from LB 841, as previously amended by the Judiciary Committee.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE

LB: 841 AM: 2634 AGENCY/POLT. SUB: Nebraska Supreme Court (005)

REVIEWED BY: Joe Wilcox DATE: 03/28/2018 PHONE: (402) 471-4178

COMMENTS: No basis to dispute the Nebraska Supreme Court estimate of No Fiscal Impact to the Agency from AM 2634 to LB 841.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE

LB: 841 AM: 2634 AGENCY/POLT. SUB: Nebraska Community College Association (Agency 083)

REVIEWED BY: Joe Wilcox DATE: 03/28/2018 PHONE: (402) 471-4178

COMMENTS: No basis to dispute the Nebraska Community College Association estimate of No Fiscal Impact to the Agency from AM 2634 to LB 841.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE

LB: 841 ΔM: 2634 AGENCY/POLT. SUB: Nebraska Commission on Law Enforcement and Criminal Justice (078)

REVIEWED BY: Joe Wilcox DATE: 03/28/2018 PHONE: (402) 471-4178

COMMENTS: No basis to dispute the Nebraska Commission on Law Enforcement and Criminal Justice (Crime Commission) estimate of No Fiscal Impact to the Agency from AM 2634 to LB 841.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE

IB: 841 AM: 2634 AGENCY/POLT. SUB: University of Nebraska (051)

REVIEWED BY: Joe Wilcox DATE: 03/27/2018 PHONE: (402) 471-4178

COMMENTS: No basis to dispute the University of Nebraska estimate of No Fiscal Impact to the University from AM 2634 to LB 841.

LB ⁽¹⁾ 841, AM2634					FISCAL NOTE	
State Agency OR Political Subdivision Name: (2	05 Supr	05 Supreme Court				
Prepared by: (3) Eric Asboe	Date P	repared: (4)	3/27/18 PI	none: (5)	1-4138	
ESTIMATE PROV	TDED BY STA	ATE AGENC	Y OR POLITICAL SUB	DIVISIO	N	
	Y 2018-19			F Y 2019 -		
<u>EXPENDITURI</u>	<u>ES</u> <u>R</u> 1	<u>EVENUE</u>	EXPENDITURE	<u>S</u>	<u>REVENUE</u>	
GENERAL FUNDS				_		
CASH FUNDS				_		
FEDERAL FUNDS						
OTHER FUNDS						
TOTAL FUNDS				_		
Explanation of Estimate:						
LB841, as amended by AM2634, is est			·			
Personal Services:	<u>)WN BY MAJ</u>	OR OBJECTS	S OF EXPENDITURE			
POSITION TITLE	NUMBER OF <u>18-19</u>	POSITIONS <u>19-20</u>	2018-19 EXPENDITURE	<u>S</u>	2019-20 EXPENDITURES	
Benefits				_		
Operating				_		
Travel				_		
Capital outlay				_		
Aid				_		
Capital improvements				_		
TOTAL						

LB ⁽¹⁾ 841 AM2634			FISCAL NOTE			
State Agency OR Political Subdivision Name	Nebraska Board of	Nebraska Board of Parole				
Prepared by: (3) Rosalyn Cotton	Date Prepared: (4)	1/9/18 Phone: (5	402-479-5731			
ESTIMATE PRO	OVIDED BY STATE AGENCY	OR POLITICAL SUBDIVIS	ION			
	FY 2018-19	FY 201	19-20			
EXPENDITU	<u>REVENUE</u>	EXPENDITURES	REVENUE			
GENERAL FUNDS						
CASH FUNDS						
FEDERAL FUNDS						
OTHER FUNDS						
TOTAL FUNDS						
Explanation of Estimate:						
No known financial impact to the NB overcrowding.	SOP related to the duty to pro	ovide a report on how to ha	andle prison			
BREAK Personal Services:	DOWN BY MAJOR OBJECTS	OF EXPENDITURE				
	NUMBER OF POSITIONS	2018-19	2019-20			
POSITION TITLE	<u>18-19</u> <u>19-20</u>	<u>EXPENDITURES</u>	EXPENDITURES			
Benefits						
Operating						
Travel						
Capital outlay						
Aid						
Capital improvements		<u> </u>				
TOTAL	····					

LB ⁽¹⁾ AM 2634 to LB 8	341		FISCAL NOTE
State Agency OR Political Subdivision	Name: (2) University of Nebi	aska	
Prepared by: (3) Michael Justus	Date Prepared: (4)	March 27, 2018 Phone:	(5) 402-472-2191
ESTIMAT	E PROVIDED BY STATE AGE	NCY OR POLITICAL SUBDIV	ISION
	FY 2018-19	FY 20	19-20
EXPEND		EXPENDITURES	REVENUE
GENERAL FUNDS			
CASH FUNDS			
FEDERAL FUNDS		<u> </u>	
OTHER FUNDS			
TOTAL FUNDS			
Explanation of Estimate:			
The amendment would have	no fiscal impact on the Uni	versity.	
BRI	EAKDOWN BY MAJOR OBJEC	TS OF EXPENDITURE	
Personal Services:	NUMBER OF BOCITION	IC 2010 10	2010 20
POSITION TITLE	NUMBER OF POSITION 18-19 19-20	S 2018-19 EXPENDITURES	2019-20 EXPENDITURES
D 0		_	
Benefits			
Operating			
Travel			
Capital outlay			
Aid			
Capital improvements			
TOTAL			

LB ⁽¹⁾ 841				FISCAL NOTE			
State Agency OR	Political Subdivision Name:	Nebraska Comm	Nebraska Community College Association				
Prepared by: (3)	Greg Adams	Date Prepared: (4	3/27/2018 I	Phone: (5) 402-471-4685			
	ESTIMATE PRO	VIDED BY STATE AGE	NCY OR POLITICAL SU	BDIVISION			
	EXPENDITU	FY 2018-19 RES REVENUE	EXPENDITUR	<u>FY 2019-20</u> <u>ES REVENUE</u>			
GENERAL FUN	IDS	<u></u>	<u></u>	_			
CASH FUNDS		<u></u>	<u></u>				
FEDERAL FUN	DS		 -				
OTHER FUNDS				_			
TOTAL FUNDS	3						
Explanation of E	Estimate:						
AM 2634 to LB	841 has no fiscal impa	act					
Personal Service		OOWN BY MAJOR OBJEC	CTS OF EXPENDITURE	<u> </u>			
	TION TITLE	NUMBER OF POSITIO 18-19 19-20		ES EXPENDITURES			
Benefits							
Operating							
Travel							
Capital outlay							
Aid							
Capital improve	ments						
TOTAL							

LB ⁽¹⁾ 841, AM2634					FISCAL NOTE
State Agency OR Political Subdivision Name:	Nebras	ka State Patr	ol		
Prepared by: (3) Carol Aversman	Date l	Prepared: (4) 3	3/27/18	Phone: (5)	402-471-4545
ESTIMATE PRO	VIDED BY ST	ATE AGENCY	OR POLITICAL SI	UBDIVISIO)N
<u>EXPENDITUR</u>	FY 2018-19 RES <u>F</u>	<u>REVENUE</u>	<u>EXPENDITU</u>	FY 2019 RES	- <u>20</u> <u>REVENUE</u>
GENERAL FUNDS	<u></u>				
CASH FUNDS		_			
FEDERAL FUNDS		_			
OTHER FUNDS					
TOTAL FUNDS					
Explanation of Estimate:					
As those provisions have been rem					a fiscal impact.
Personal Services:	<u>OWN BY MA.</u>	JOR OBJECTS	<u>OF EXPENDITUR</u>	<u>E</u>	
POSITION TITLE	NUMBER OI 18-19	F POSITIONS 19-20	2018-19 EXPENDITU	RES	2019-20 EXPENDITURES
Benefits				<u> </u>	
Operating					
Travel					
Capital outlay					
Aid					
Capital improvements					
TOTAL			 		

TOTAL....

LB ⁽¹⁾ 841 as amended by	FISCAL NOTE					
State Agency OR Political Subdivision Name	NE Comm On Law	NE Comm On Law Enforcement (Crime Commission)				
Prepared by: (3) Bruce Ayers	Date Prepared: (4)	3-27-2018 Phone: (5	471-0359			
ESTIMATE PRO	OVIDED BY STATE AGENCY	OR POLITICAL SUBDIVIS	ION			
	FY 2018-19	FY 201	9-20			
EXPENDITU		<u>EXPENDITURES</u>	<u>REVENUE</u>			
GENERAL FUNDS						
CASH FUNDS						
FEDERAL FUNDS						
OTHER FUNDS						
TOTAL FUNDS						
Explanation of Estimate: LB 841, as an			~			
RREAK	DOWN BY MAJOR OBJECTS	OF EXPENDITURE				
Personal Services:		OT EXILENDITURE				
POSITION TITLE	NUMBER OF POSITIONS 18-19 19-20	2018-19 EXPENDITURES	2019-20 EXPENDITURES			
Benefits						
Operating	···					
Travel						
Capital outlay						
Aid						
Capital improvements						

Operating.....

LB ⁽¹⁾ 841 AM 26	624					FISCAL NOTE
State Agency OR Political Su	Lancaster County Department of Corrections/ Lincoln/Lancaster County Human Services.					
Prepared by: (3) LT Will	iam McGlothlin	Date F	Prepared: ⁽⁴⁾	3/27/2018	Phone: (5)	402-441-1919
E	STIMATE PROVII	DED BY ST.	ATE AGENO	CY OR POLITIC	CAL SUBDIVISIO	<u>ON</u>
	FY	2018-19			FY 2019	-20
	EXPENDITURES		EVENUE	EXPENI	<u>DITURES</u>	REVENUE
GENERAL FUNDS				<u> </u>		
CASH FUNDS						
FEDERAL FUNDS				-		
OTHER FUNDS				<u> </u>		
TOTAL FUNDS	\$1,201,000	<u> </u>				
Explanation of Estimate:						
being served has dramatic would be paroled as a resour corrections department. Furthermore, LB841 establishment of the parole. Without medical in General Assistance, funder probability of Lancaster Concerning. Based on a promonthly cost for mainten person. If the released introducing the profession of the current number of the current number of the parole will be up the current of the parole will be up the current number of the current	ult of a declared ent at \$100 per day olishes that comminated through the Coulounty tax payers prior fiscal note provance of a client carmate were to be full as incurable and it onal, result in death ober of General Assente were all Assente were and it onal, result in death of General Assente were all Assente w	mergency it per person tted offended prior to conty. Due to aying the movided by Head be between ded through rreversible in within six sistance clies.	is safe to assets diagnose discharge, rethe number edical bills for alth and Hunger \$700 and sigh Lancaster illness that womths). The nts who wer	d with a terminal deased inmates of penal institution out of county and Services for County Genera will, within the relist ends up being e released direct	e of them would be al illness be consi will, more than litions in Lancasted this same populaterage medical collassistance for a peasonable medical over \$45,000 pettly from a penal in	dered for medical kely, end up on County, the ed in this nature is ation, the average sts is \$7,000 per n average of 6 month al judgment of a er person/6 months.
Personal Services:	BREAKDOV	VN BY MAJ	OR OBJECT	'S OF EXPEND	<u>ITURE</u>	
POSITION TIT		UMBER OF 18-19	POSITION 19-20		18-19 DITURES	2019-20 EXPENDITURES
Benefits						
