

Must

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LB 276

Revision: 01

FISCAL NOTE

LEGISLATIVE FISCAL ANALYST ESTIMATE

Updated for the 2012 Session. Includes any amendments adopted to-date.

| ESTIMATE OF FISCAL IMPACT – STATE AGENCIES * | | | | |
|--|--------------|---------|--------------|---------|
| | FY 2011-12 | | FY 2012-13 | |
| | 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 a penalty from death to life imprisonment without possibility of parole and change other penalties as prescribed.

In 2011, the Attorney General estimated no fiscal impact from the provisions of this bill.

The Department of Correctional Services (DCS) has informed the Legislative Fiscal Office that they have no change in their 2011 response to this bill. In 2011, DCS stated that the fiscal impact cannot be determined and their response follows:

1. The bill changes the penalty for a Class I felony from Death to Life Imprisonment without Possibility of Parole.
2. The bill also changes the penalty for a Class IA felony from life imprisonment without parole to life imprisonment.

The bill also provides that in any criminal proceeding in which the dealt penalty has been imposed but not carried out prior to the effective date of this act, it is the intention, will, and sense of the Legislature that such penalty be changed to life imprisonment without possibility of parole.

The Nebraska Department of Correctional Services (NDCS) had two individuals sentenced in 2008 for a Class I felony, and none in 2009 or 2010.

NDCS had five individuals sentenced in 2008 for a Class IA felony; and six each in 2009 & 2010.

The impact on NDCS related to future admissions is not determinable, but is assumed to be fairly minimal savings, based on the three previous years' historical information.

The impact to NDCS of changing current death sentences to life imprisonment without parole cannot be determined, since it is unclear how such death penalty will be changed.

NDCS current inmate population is 4,599 (1/18/2011 Tuesday Count)
The FY10 per diem (cost per day of feeding, clothing, housing, medical, etc) for an individual inmate was \$5,625/yr.