

PREPARED BY: Doug Nichols
DATE PREPARED: January 30, 2012
PHONE: 402-471-0052

LB 310

Revision: 02

FISCAL NOTE

LEGISLATIVE FISCAL ANALYST ESTIMATE

Updated for amendments adopted through January 26, 2012.

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, as amended, would change provisions relating to protection orders.

The Supreme Court estimates no fiscal impact and their response follows:

LB 310, as amended by AM965, could have an impact on judicial caseload from an increase in protection orders, but any increase is not expected to be significant.

The Department of Correctional Services (DCS) stated that the fiscal impact cannot be determined and their response follows:

Fiscal Impact – Indeterminable.

The impact on NDCS related to future admissions is not determinable.

The FY 11 per diem (cost per day of feeding, clothing, housing, medical, etc.) for an individual inmate was \$5,799 per year.

IMPACT ON POLITICAL SUBDIVISIONS: Lancaster County states that with the amendment, the costs of new court appointed attorneys have been eliminated. Lancaster County further states that this amended bill still increases penalties for Protection Order violations. Given the large volume of protection order cases, this change could have a significant financial impact on the Lancaster County's criminal justice system. They further state that higher penalties require more time and effort system-wide. While it is difficult to estimate precisely, whenever penalties are increased, counties have greater costs for jury trials and for prosecutors and defense attorney's time.

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LB⁽¹⁾ 310, FISCAL NOTE
AM965

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LEGISLATIVE FISCAL

State Agency OR Political Subdivision Name: ⁽²⁾ Supreme Court

Prepared by: ⁽³⁾ Eric Asboe Date Prepared: ⁽⁴⁾ 3/31/11 Phone: ⁽⁵⁾ 1-4138

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	FY 2011-2012		FY 2012-2013	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS				
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS				

Return by date specified or 72 hours prior to public hearing, whichever is earlier.

Explanation of Estimate:

LB 310, as amended by AM965, could have an impact on judicial caseload from an increase in protection orders, but any increase is not expected to be significant.

MAJOR OBJECTS OF EXPENDITURE

Personal Services:

POSITION TITLE	NUMBER OF POSITIONS		2011-2012 EXPENDITURES	2012-2013 EXPENDITURES
	11-12	12-13		
Benefits.....				
Operating.....				
Travel.....				
Capital outlay.....				
Aid.....				
Capital improvements.....				
TOTAL.....				

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LEGISLATIVE FISCAL

2012

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LB⁽¹⁾ 310 FISCAL NOTE

State Agency OR Political Subdivision Name: (2) Department of Correctional Services

Prepared by: (3) Christina Peters Date Prepared: (4) 1/26/2012 Phone: (5) 402-479-5702

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	FY 2012-2013		FY 2013-2014	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	Indeterminable			
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS				

Return by date specified or 72 hours prior to public hearing, whichever is earlier.

Explanation of Estimate:

Fiscal Impact – Indeterminable.

The impact on NDCS related to future admissions is not determinable.

The FY 11 per diem (cost per day of feeding, clothing, housing, medical, etc.) for an individual inmate was \$5,799 per year.

MAJOR OBJECTS OF EXPENDITURE

Personal Services:

POSITION TITLE	NUMBER OF POSITIONS		2012-2013 EXPENDITURES	2013-2014 EXPENDITURES
	12-13	13-14		
Benefits.....				
Operating.....				
Travel.....				
Capital outlay.....				
Aid.....				
Capital improvements.....				
TOTAL.....				

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LB⁽¹⁾ 310 FISCAL NOTE

LEGISLATION

State Agency OR Political Subdivision Name: ⁽²⁾ Lancaster County

Prepared by: ⁽³⁾ Dennis R. Keefe

Date Prepared: ⁽⁴⁾ 3/31/2011

Phone: ⁽⁵⁾ 402-441-7631

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2011-2012</u>		<u>FY 2012-2013</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	_____	_____	_____	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
TOTAL FUNDS	=====	=====	=====	=====

Return by date specified or 72 hours prior to public hearing, whichever is earlier.

Explanation of Estimate: With the amendment, the costs of new court appointed attorneys have been eliminated. However, the bill still increases penalties for Protection Order violations from a Class 2 misdemeanor to a Class 1 misdemeanor for first offense and to a Class 4 Felony for a second offense. Given the large volume of protection order cases, this change will have significant financial impact on the counties' criminal justice systems. Class I misdemeanors require more time and effort system wide than Class 2 misdemeanors and Class 4 Felonies require more time and effort t system wide than a misdemeanor. While it is difficult to estimate precisely, whenever the Legislature increases penalties in this manner counties have greater costs for jury trials, prosecutors' time, and defense attorneys time. Increasing the penalties has the effect of increasing the overall cost of the case because greater effort must be expended to resolve the case.

MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2011-2012 EXPENDITURES</u>	<u>2012-2013 EXPENDITURES</u>
	<u>11-12</u>	<u>12-13</u>		
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____