

FISCAL NOTE
LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)				
	FY 2017-18		FY 2018-19	
	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 provide enhanced criminal penalties based upon a person's employment as prescribed.

The Department of Correctional Services (NDCS) states that this bill has the potential to lengthen sentences of individuals convicted after the effective date of the act and any fiscal costs from longer sentences would occur at the end of the criminal sentence. As a result, NDCS estimates no fiscal impact from this bill during FY18 or FY19.

Lancaster County estimates that this bill could result in increased costs, but estimating an exact amount is too speculative. See their response attached for additional details not included in this fiscal note.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSES			
LB: 638	AM:	AGENCY/POLT. SUB: Nebraska Department of Correctional Services (46)	
REVIEWED BY: Joe Wilcox	DATE: 2/28/2017	PHONE: (402) 471-4178	
COMMENTS: No Basis to dispute the Nebraska Department of Correctional Services estimate of No Fiscal Impact to the Agency from LB 638.			

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSES			
LB: 638	AM:	AGENCY/POLT. SUB: Lancaster County	
REVIEWED BY: Joe Wilcox	DATE: 1/27/2017	PHONE: (402) 471-4178	
COMMENTS: No basis to dispute the Lancaster County estimate of Indeterminate Fiscal Impact to the County from LB 638.			

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

2017

LB⁽¹⁾ 638

FISCAL NOTE

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

Prepared by: ⁽³⁾ Sara Sump Date Prepared: ⁽⁴⁾ 1/11/17 Phone: ⁽⁵⁾ 402.479.5702

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2017-18</u>		<u>FY 2018-19</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	_____	<u>0</u>	_____	<u>0</u>
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
TOTAL FUNDS	<u>_____</u>	<u>0</u>	<u>_____</u>	<u>0</u>

Explanation of Estimate:

LB 638 proposes to amend the existing hate crime statute, 28-111, to enhance the penalty for committing one of the listed offenses against a person or their property due to the person’s employment status. The bill provides protections to the following job classifications: peace officer, probation officer, firefighter, out of hospital emergency care provider, local correctional employee, employee of the Department of Correctional Services, employee of the Department of Health and Human Services, or health care professional. LB 638 also amends the existing assault of a peace officer statute to include city, county or village jail employees.

LB 638 does not create a new criminal offense but has the potential to result in longer sentences for crimes against employees in the protected classes. It is unknown how many crimes are committed because of a person’s job status, how often the enhancement would be sought or how frequently a judge would impose a longer sentence. LB 638 only applies to crimes committed after the effective date of the act and any fiscal costs from longer sentences would occur at the end of the criminal sentence. As a result the department estimates no fiscal impact from the changes proposed in LB 638 for the upcoming biennium.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2017-18</u>	<u>2018-19</u>
	<u>17-18</u>	<u>18-19</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____

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

2017

LB⁽¹⁾ 638

FISCAL NOTE

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

Prepared by: ⁽³⁾ Joe Nigro Date Prepared: ⁽⁴⁾ January 26, 2017 Phone: ⁽⁵⁾ (402)441-7631

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2017-18</u>		<u>FY 2018-19</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>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
FEDERAL FUNDS	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
OTHER FUNDS	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</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: It is very difficult and highly speculative to estimate the increased cost to Lancaster County due to this bill. The reality is that increased penalties result in more time being spent on cases by the courts, county attorneys, and defense counsel. The more serious the charge the higher the bond, resulting in more people being incarcerated while awaiting trial. This results in increased costs for the jail. Harsher sentences will also result in increased costs for the jail, the Department of Correctional Services, and Probation. This bill could result in costing tens if not hundreds of thousands of dollars, but it is too speculative to estimate the actual cost.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2017-18</u>	<u>2018-19</u>
	<u>17-18</u>	<u>18-19</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
			<u>0</u>	<u>0</u>
Benefits.....				
Operating.....				
Travel.....				
Capital outlay.....				
Aid.....				
Capital improvements.....				
TOTAL.....				