

PREPARED BY: Suzanne Houlden  
 DATE PREPARED: January 21, 2022  
 PHONE: 402-471-0057

**LB 980**

Revision: 00

**FISCAL NOTE**  
 LEGISLATIVE FISCAL ANALYST ESTIMATE

<b>ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)</b>				
	<b>FY 2022-23</b>		<b>FY 2023-24</b>	
	<b>EXPENDITURES</b>	<b>REVENUE</b>	<b>EXPENDITURES</b>	<b>REVENUE</b>
GENERAL FUNDS	See below			
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	See below			

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

LB 980 provides for release for medical treatment, changes provisions relating to medical parole, and provides for parole eligibility for persons serving sentences of life imprisonment. This bill could reduce the number of persons in prison. The specific potential reduction is indeterminable at this point.

There are currently 258 offenders with at least one life sentence to serve. Of those, 201 have at least one additional life sentence, with 192 of those to serve consecutive sentences.

As of December 2021, the average daily prison population (ADP) was 153% of design capacity. The FY21 per diem cost was \$31.65 for each inmate, or \$11,551 per year.

The Nebraska Department of Correctional Services (NDCS) asserts that the passage of LB 980 would then require programming changes for its sentence calculation system, with testing and implementation to cost \$56,000. NDCS also asserts that manual calculations by its Records staff would be required for about 6-8 weeks during the reprogramming period. Overtime dedicated to this process for applicable staff is estimated at \$3,948 with benefits.

This analyst has no basis to disagree with these estimates, but believes that, until clarifying information is received from NDCS, the programming and overtime expense could be partially offset by per-diem savings, with remaining expenses covered by existing resources.

<b>ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY &amp; POLT. SUB. RESPONSE</b>			
<b>LB: 980</b>	<b>AM:</b>	<b>AGENCY/POLT. SUB: Nebraska Department of Correctional Services (46)</b>	
REVIEWED BY: Joe Wilcox	DATE: 01/21/2022	PHONE: (402) 471-4178	
COMMENTS: No basis to disagree with the Nebraska Department of Correctional Services (NDCS) estimate of potential one-time Fiscal Impact to the Agency from LB 980.			

<b>ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY &amp; POLT. SUB. RESPONSE</b>			
<b>LB: 980</b>	<b>AM:</b>	<b>AGENCY/POLT. SUB: Lancaster County Department of Corrections</b>	
REVIEWED BY: Joe Wilcox	DATE: 01/20/2022	PHONE: (402) 471-4178	
COMMENTS: No basis to disagree with the Lancaster County Department of Corrections estimate of No Fiscal Impact to the Department from LB 980.			

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

**2022**

**LB<sup>(1)</sup> 980**

**FISCAL NOTE**

State Agency OR Political Subdivision Name: <sup>(2)</sup> Nebraska Department of Correctional Services

Prepared by: <sup>(3)</sup> Lisa Stanton Date Prepared: <sup>(4)</sup> 01/19/2022 Phone: <sup>(5)</sup> (402)479-5702

**ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION**

	<u>FY 2022-23</u>		<u>FY 2023-24</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	\$59,946			
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
<b>TOTAL FUNDS</b>	<u>\$59,946</u>			

**Explanation of Estimate:**

LB 980 provides for release for medical treatment, changes provisions relating to medical parole, and provides for parole eligibility for persons serving sentences of life imprisonment. The bill could reduce the number of persons in prison. The specific amount of impact is indeterminable.

There are currently 258 offenders with at least one term of life to life. Of those, 201 have at least one additional term of life to life with 192 of those running consecutive.

As of December 2021, the average daily prison population (ADP) was 153% of design capacity. The FY21 per diem cost was \$31.65 for each inmate, or \$11,551 per year.

NDCS estimates the cost of programming changes required to the sentence calculation system (development, testing and implementation) to be \$56,000.

Note that for a period of approximately 6-8 weeks while programming changes are being made this will be a manual calculation process for NDCS Records staff. It is estimated that 125 hours of staff time will be necessary to do the manual calculation on the current 258 offenders. Overtime dedicated to this process for applicable staff is estimated at \$3,946 with benefits.

**BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE**

**Personal Services:**

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2022-23</u>	<u>2023-24</u>
	<u>22-23</u>	<u>23-24</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
Records Manager II			\$3,427	
Benefits.....			\$519	
Operating.....			\$56,000	
Travel.....				
Capital outlay.....				
Aid.....				
Capital improvements.....				
<b>TOTAL.....</b>			<u>\$59,946</u>	

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

**2022**

**LB**<sup>(1)</sup> 980

**FISCAL NOTE**

State Agency OR Political Subdivision Name: <sup>(2)</sup> Lancaster County Department of Corrections

Prepared by: <sup>(3)</sup> Lt. Joe Anderson Date Prepared: <sup>(4)</sup> January 18, 2022 Phone: <sup>(5)</sup> (402) 441-1919

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2022-23</u>		<u>FY 2023-24</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	_____	_____	_____	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
TOTAL FUNDS	=====	=====	=====	=====

Explanation of Estimate:

The Lancaster County Department of Corrections does not foresee a fiscal impact of this proposed legislation.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2022-23</u>	<u>2023-24</u>
	<u>22-23</u>	<u>23-24</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____