

# BDR 15-1219

## SB 541

### EXECUTIVE AGENCY FISCAL NOTE

#### AGENCY'S ESTIMATES

Date Prepared: May 22, 2017

Agency Submitting: Nevada Department of Corrections

Items of Revenue or Expense, or Both	Fiscal Year 2016-17	Fiscal Year 2017-18	Fiscal Year 2018-19	Effect on Future Biennia
Category 50 Inmate Drivens (Expense)				\$17,843
Total	0	0	0	\$17,843

#### Explanation

(Use Additional Sheets of Attachments, if required)

The Nevada Department of Corrections (NDOC) had reviewed BDR 15-1219, which makes proposed revisions to NRS 193 related to the criminal penalty for certain crimes committed against first responders. The proposed statute revision states that a person who commits battery, assault, mayhem, robbery, murder, manslaughter, theft, larceny; or poisons or falsely imprisons a first responder, such as a police officer, a fire fighter, or an emergency medical technician may be subject to serve an additional sentence, in addition to the term of imprisonment required by statute for the crime. The sentence enhancement will be between one and twenty years and no longer than the sentence length imposed by statute. The NDOC has determined that there is a fiscal impact to future biennia.

Name Scott Ewart

Title Chief of Fiscal Services

#### GOVERNOR'S OFFICE OF FINANCE COMMENTS

Date Monday, May 22, 2017

The agency's response appears reasonable.

Name Paul Nicks

Title Budget Officer

## DESCRIPTION OF FISCAL EFFECT

BDR/Bill/Amendment Number: BDR 15-1219

Name of Agency: \_\_\_\_\_

Division/Department: Department of Corrections

Date: May 15, 2017

The Nevada Department of Corrections (NDOC) had reviewed BDR 15-1219, which makes proposed revisions to NRS 193 related to the criminal penalty for certain crimes committed against first responders. The proposed statute revision states that a person who commits battery, assault, mayhem, robbery, murder, manslaughter, theft, larceny; or poisons or falsely imprisons a first responder, such as a police officer, a fire fighter, or an emergency medical technician may be subject to serve an additional sentence, in addition to the term of imprisonment required by statute for the crime. The sentence enhancement will be between one and twenty years and no longer than the sentence length imposed by statute. The NDOC has determined that there is a fiscal impact to future biennia.

NRS 200.471 and 200.481 provide specific penalties for assault or battery on a public officer, a health care provider, or a taxi driver. Between July 1<sup>st</sup>, 2012 and May 10, 2017, the Nevada Department of Corrections admitted 13 offenders in custody who were convicted of assaulting a public officer, battery on a police officer with or without a deadly weapon, and resisting a police officer with a deadly weapon. The commission of one of these types of crimes is typically a category B offense with a length of stay of 35.78 months. If the sentence length for these offenders is doubled, the length will be an average of 72 months. Should the pattern in admissions continue into the future, the NDOC will begin to feel the fiscal impact as of October of SFY 2021. Additional costs will amount to \$3,457.98 in SFY 2021 and \$14,385.41 in SFY 2022. The cost calculation is provided in Attachment A. Nevada law doesn't provide specific penalties for commission of robbery, larceny, poisoning, or false imprisonment of a public officer; thus, the impact of a sentence enhancement for these types of crimes cannot be determined.

For more serious crimes such as murder or mayhem, the sentences imposed by the court vary greatly among offense types, with many of them serving minimum terms of 2 years and maximum terms of 10, 15, or 20 years; life in prison with possibility of parole; or life in prison without possibility of parole. Thus, it is not possible to derive an accurate projection of the impact of doubling the sentence length when the victim of murder or mayhem is a police officer, a fire fighter, or an emergency technician. However, existing cases involving the murder of a police officer have resulted in life sentences or death row sentences. For these types of cases, doubling the sentence length will have no impact.

### Future Biennia Fiscal Impact

\$ 3,457.98	SFY 2021
<u>14,385.41</u>	SFY 2022
\$ 17,843.39	

NEVADA DEPARTMENT OF CORRECTIONS  
FISCAL NOTE CALCULATION  
FOR BDR # 15-1219

EFFECT OF AMENDEMENTS TO NRS:

200.030, 200.050, 200.280, 200.310, 200.366, 200.380, 200.400,

200.460, 200.471, 200.481, 205.0832, 205.220, 205.226, 205.228, 205.270, 206.150.

Average Sentence Length -Current Law					Average Sentence Length-Proposed Law						Impact				
Fiscal Year	Month	Net Cum No Inmates	Inmates In	Inmates Out	Fiscal Year	Month	Net Cum No Inmates	Inmates In	Inmates Out	Difference	Yearly Cum	Additional Monthly Cost	Additional Fiscal Year Costs	Days	Length in Months
18	July	0.00			18	July	0.00			0.00		\$0.00		31	1
	Aug	0.00				Aug	0.00			0.00		\$0.00		31	1
	Sep	0.00				Sep	0.00			0.00		\$0.00		30	1
	Oct	0.31	0.31			Oct	0.31	0.31		0.00		-\$1.09		31	1
	Nov	0.63	0.31			Nov	0.62	0.31		-0.01		-\$2.11		30	1
	Dec	0.94	0.31			Dec	0.93	0.31		-0.01		-\$3.27		31	1
	Jan	1.26	0.31			Jan	1.24	0.31		-0.02		-\$4.35		31	1
	Feb	1.57	0.31			Feb	1.55	0.31		-0.02		-\$5.09		29	1
	Mar	1.89	0.31			Mar	1.86	0.31		-0.03		-\$6.53		31	1
	Apr	2.20	0.31			Apr	2.17	0.31		-0.03		-\$7.37		30	1
	May	2.51	0.31			May	2.48	0.31		-0.03		-\$8.71		31	1
	June	2.83	0.31			June	2.79	0.31		-0.04	-0.20	-\$9.48	-\$48.00	30	1
19	July	3.14	0.31		19	July	3.10	0.31		-0.04		-\$11.02		31	1
	Aug	3.46	0.31			Aug	3.41	0.31		-0.05		-\$12.12		31	1
	Sep	3.77	0.31			Sep	3.72	0.31		-0.05		-\$12.80		30	1
	Oct	4.09	0.31			Oct	4.03	0.31		-0.06		-\$14.32		31	1
	Nov	4.40	0.31			Nov	4.34	0.31		-0.06		-\$14.93		30	1
	Dec	4.72	0.31			Dec	4.65	0.31		-0.07		-\$16.53		31	1
	Jan	5.03	0.31			Jan	4.96	0.31		-0.07		-\$17.63		31	1
	Feb	5.34	0.31			Feb	5.27	0.31		-0.07		-\$16.92		28	1
	Mar	5.66	0.31			Mar	5.58	0.31		-0.08		-\$19.83		31	1
	Apr	5.97	0.31			Apr	5.89	0.31		-0.08		-\$20.26		30	1
	May	6.29	0.31			May	6.20	0.31		-0.09		-\$22.04		31	1
	June	6.60	0.31			June	6.51	0.31		-0.09	-0.76	-\$22.39	-\$189.77	30	1
20	July	6.92	0.31		20	July	6.82	0.31		-0.10		-\$24.24		31	1
	Aug	7.23	0.31			Aug	7.13	0.31		-0.10		-\$25.34		31	1
	Sep	7.54	0.31			Sep	7.44	0.31		-0.10		-\$25.59		30	1
	Oct	7.86	0.31			Oct	7.75	0.31		-0.11		-\$27.55		31	1
	Nov	8.17	0.31			Nov	8.06	0.31		-0.11		-\$27.72		30	1
	Dec	8.49	0.31			Dec	8.37	0.31		-0.12		-\$29.75		31	1
	Jan	8.80	0.31			Jan	8.68	0.31		-0.12		-\$30.85		31	1
	Feb	9.12	0.31			Feb	8.99	0.31		-0.13		-\$28.86		28	1
	Mar	9.43	0.31			Mar	9.30	0.31		-0.13		-\$33.06		31	1
	Apr	9.74	0.31			Apr	9.61	0.31		-0.13		-\$33.06		30	1
	May	10.06	0.31			May	9.92	0.31		-0.14		-\$35.26		31	1
	June	10.37	0.31			June	10.23	0.31		-0.14	-1.34	-\$35.19	-\$332.24	30	1
21	July	10.69	0.31		21	July	10.54	0.31		-0.15		-\$37.46		31	1
	Aug	11.00	0.31			Aug	10.85	0.31		-0.15		-\$38.57		31	1
	Sep	11.32	0.31			Sep	11.16	0.31		-0.16		-\$38.39		30	1
	Oct	11.32	0.31	0.31		Oct	11.47	0.31		0.15		\$37.94		31	1
	Nov	11.32	0.31	0.31		Nov	11.78	0.31		0.46		\$111.81		30	1
	Dec	11.33	0.31	0.31		Dec	12.09	0.31		0.76		\$193.14		31	1
	Jan	11.33	0.31	0.31		Jan	12.40	0.31		1.07		\$270.75		31	1
	Feb	11.34	0.31	0.31		Feb	12.71	0.31		1.37		\$314.64		28	1
	Mar	11.34	0.31	0.31		Mar	13.02	0.31		1.68		\$425.96		31	1
	Apr	11.35	0.31	0.31		Apr	13.33	0.31		1.98		\$487.32		30	1
	May	11.35	0.31	0.31		May	13.64	0.31		2.29		\$581.16		31	1
	June	11.36	0.31	0.31		June	13.95	0.31		2.59	12.04	\$637.52	\$2,945.82	30	1

NEVADA DEPARTMENT OF CORRECTIONS  
FISCAL NOTE CALCULATION  
FOR BDR # 15-1219

EFFECT OF AMENDEMENTS TO NRS:

200.030, 200.050, 200.280, 200.310, 200.366, 200.380, 200.400,

200.460, 200.471, 200.481, 205.0832, 205.220, 205.226, 205.228, 205.270, 206.150.

Average Sentence Length -Current Law					Average Sentence Length-Proposed Law						Impact				
Fiscal Year	Month	Net Cum No Inmates	Inmates In	Inmates Out	Fiscal Year	Month	Net Cum No Inmates	Inmates In	Inmates Out	Difference	Yearly Cum	Additional Monthly Cost	Additional Fiscal Year Costs	Days	Length in Months
22	July	11.36	0.31	0.31	22	July	14.26	0.31		2.90		\$736.37		31	1
	Aug	11.36	0.31	0.31		Aug	14.57	0.31		3.21		\$813.98		31	1
	Sep	11.37	0.31	0.31		Sep	14.88	0.31		3.51		\$862.82		30	1
	Oct	11.37	0.31	0.31		Oct	15.19	0.31		3.82		\$969.18		31	1
	Nov	11.38	0.31	0.31		Nov	15.50	0.31		4.12		\$1,013.02		30	1
	Dec	11.38	0.31	0.31		Dec	15.81	0.31		4.43		\$1,124.39		31	1
	Jan	11.39	0.31	0.31		Jan	16.12	0.31		4.73		\$1,202.00		31	1
	Feb	11.39	0.31	0.31		Feb	16.43	0.31		5.04		\$1,197.05		29	1
	Mar	11.39	0.31	0.31		Mar	16.74	0.31		5.35		\$1,357.20		31	1
	Apr	11.40	0.31	0.31		Apr	17.05	0.31		5.65		\$1,388.52		30	1
	May	11.40	0.31	0.31		May	17.36	0.31		5.96		\$1,512.41		31	1
	June	11.41	0.31	0.31		June	17.67	0.31		6.26	52.08	\$1,538.73	\$13,715.68	30	1
23	July	11.41	0.31	0.31	23	July	17.98	0.31		6.57		\$1,667.62		31	1
	Aug	11.42	0.31	0.31		Aug	18.29	0.31		6.87		\$1,745.22		31	1
	Sep	11.42	0.31	0.31		Sep	18.60	0.31		7.18		\$1,764.03		30	1
	Oct	11.42	0.31	0.31		Oct	18.91	0.31		7.49		\$1,900.43		31	1
	Nov	11.43	0.31	0.31		Nov	19.22	0.31		7.79		\$1,914.23		30	1
	Dec	11.43	0.31	0.31		Dec	19.53	0.31		8.10		\$2,055.64		31	1
	Jan	11.44	0.31	0.31		Jan	19.84	0.31		8.40		\$2,133.24		31	1
	Feb	11.44	0.31	0.31		Feb	20.15	0.31		8.71		\$1,996.90		28	1
	Mar	11.45	0.31	0.31		Mar	20.46	0.31		9.01		\$2,288.45		31	1
	Apr	11.45	0.31	0.31		Apr	20.77	0.31		9.32		\$2,289.73		30	1
	May	11.46	0.31	0.31		May	21.08	0.31		9.62		\$2,443.66		31	1
	June	11.46	0.31	0.31		June	21.39	0.31		9.93	92.42	\$2,439.93	\$24,639.10	30	1
24	July	11.46	0.31	0.31	24	July	21.39	0.31	0.31	9.93		\$2,520.16		31	*
	Aug	11.47	0.31	0.31		Aug	21.39	0.31	0.31	9.92		\$2,519.06		31	
	Sep	11.47	0.31	0.31		Sep	21.39	0.31	0.31	9.92		\$2,436.73		30	
	Oct	11.48	0.31	0.31		Oct	21.39	0.31	0.31	9.91		\$2,516.86		31	
	Nov	11.48	0.31	0.31		Nov	21.39	0.31	0.31	9.91		\$2,434.60		30	
	Dec	11.49	0.31	0.31		Dec	21.39	0.31	0.31	9.90		\$2,514.65		31	
	Jan	11.49	0.31	0.31		Jan	21.39	0.31	0.31	9.90		\$2,513.55		31	
	Feb	11.49	0.31	0.31		Feb	21.39	0.31	0.31	9.90		\$2,269.31		28	
	Mar	11.50	0.31	0.31		Mar	21.39	0.31	0.31	9.89		\$2,511.35		31	
	Apr	11.50	0.31	0.31		Apr	21.39	0.31	0.31	9.89		\$2,429.27		30	
	May	11.51	0.31	0.31		May	21.39	0.31	0.31	9.88		\$2,509.14		31	
	June	11.51	0.31	0.31		June	21.39	0.31	0.31	9.88	108.90	\$2,427.14	\$29,601.83	30	
25	July	11.52	0.31	0.31	25	July	21.39	0.31	0.31	9.87		\$2,506.94		31	
	Aug	11.52	0.31	0.31		Aug	21.39	0.31	0.31	9.87		\$2,505.84		31	
	Sep	11.52	0.31	0.31		Sep	21.39	0.31	0.31	9.87		\$2,423.94		30	
	Oct	11.53	0.31	0.31		Oct	21.39	0.31	0.31	9.86		\$2,503.63		31	
	Nov	11.53	0.31	0.31		Nov	21.39	0.31	0.31	9.86		\$2,421.81		30	
	Dec	11.54	0.31	0.31		Dec	21.39	0.31	0.31	9.85		\$2,501.43		31	
	Jan	11.54	0.31	0.31		Jan	21.39	0.31	0.31	9.85		\$2,500.33		31	
	Feb	11.55	0.31	0.31		Feb	21.39	0.31	0.31	9.84		\$2,257.37		28	
	Mar	11.55	0.31	0.31		Mar	21.39	0.31	0.31	9.84		\$2,498.13		31	
	Apr	11.55	0.31	0.31		Apr	21.39	0.31	0.31	9.84		\$2,416.47		30	
	May	11.56	0.31	0.31		May	21.39	0.31	0.31	9.83		\$2,495.92		31	
	June	11.56	0.31	0.31		June	21.39	0.31	0.31	9.83	108.33	\$2,414.34	\$29,446.15	30	

NEVADA DEPARTMENT OF CORRECTIONS  
FISCAL NOTE CALCULATION  
FOR BDR # 15-1219

EFFECT OF AMENDEMENTS TO NRS:

200.030, 200.050, 200.280, 200.310, 200.366, 200.380, 200.400.

200.460, 200.471, 200.481, 205.0832, 205.220, 205.226, 205.228, 205.270, 206.150.

Average Sentence Length -Current Law					Average Sentence Length-Proposed Law						Impact				
Fiscal Year	Month	Net Cum No Inmates	Inmates In	Inmates Out	Fiscal Year	Month	Net Cum No Inmates	Inmates In	Inmates Out	Difference	Yearly Cum	Additional Monthly Cost	Additional Fiscal Year Costs	Days	Length in Months
26	July	11.57	0.31	0.31	26	July	21.39	0.31	0.31	9.82		\$2,493.72		31	
	Aug	11.57	0.31	0.31		Aug	21.39	0.31	0.31	9.82		\$2,492.62		31	
	Sep	11.58	0.31	0.31		Sep	21.39	0.31	0.31	9.81		\$2,411.14		30	
	Oct	11.58	0.31	0.31		Oct	21.39	0.31	0.31	9.81		\$2,490.41		31	
	Nov	11.59	0.31	0.31		Nov	21.39	0.31	0.31	9.80		\$2,409.01		30	
	Dec	11.59	0.31	0.31		Dec	21.39	0.31	0.31	9.80		\$2,488.21		31	
	Jan	11.59	0.31	0.31		Jan	21.39	0.31	0.31	9.80		\$2,487.11		31	
	Feb	11.60	0.31	0.31		Feb	21.39	0.31	0.31	9.79		\$2,325.62		29	
	Mar	11.60	0.31	0.31		Mar	21.39	0.31	0.31	9.79		\$2,484.90		31	
	Apr	11.61	0.31	0.31		Apr	21.39	0.31	0.31	9.78		\$2,403.68		30	
	May	11.61	0.31	0.31		May	21.39	0.31	0.31	9.78		\$2,482.70		31	
	June	11.62	0.31	0.31		June	21.39	0.31	0.31	9.77	107.76	\$2,401.55	\$29,370.66	30	
27	July	11.62	0.31	0.31	27	July	21.39	0.31	0.31	9.77		\$2,480.50		31	
	Aug	11.62	0.31	0.31		Aug	21.39	0.31	0.31	9.77		\$2,479.39		31	
	Sep	11.63	0.31	0.31		Sep	21.39	0.31	0.31	9.76		\$2,398.35		30	
	Oct	11.63	0.31	0.31		Oct	21.39	0.31	0.31	9.76		\$2,477.19		31	
	Nov	11.64	0.31	0.31		Nov	21.39	0.31	0.31	9.75		\$2,396.21		30	
	Dec	11.64	0.31	0.31		Dec	21.39	0.31	0.31	9.75		\$2,474.99		31	
	Jan	11.65	0.31	0.31		Jan	21.39	0.31	0.31	9.74		\$2,473.88		31	
	Feb	11.65	0.31	0.31		Feb	21.39	0.31	0.31	9.74		\$2,233.48		28	
	Mar	11.65	0.31	0.31		Mar	21.39	0.31	0.31	9.74		\$2,471.68		31	
	Apr	11.66	0.31	0.31		Apr	21.39	0.31	0.31	9.73		\$2,390.88		30	
	May	11.66	0.31	0.31		May	21.39	0.31	0.31	9.73		\$2,469.48		31	
	June	11.67	0.31	0.31		June	21.39	0.31	0.31	9.72	107.18	\$2,388.75	\$29,134.78	30	
28	July	11.67	0.31	0.31	28	July	21.39	0.31	0.31	9.72		\$2,467.27		31	
	Aug	11.68	0.31	0.31		Aug	21.39	0.31	0.31	9.71		\$2,466.17		31	
	Sep	11.68	0.31	0.31		Sep	21.39	0.31	0.31	9.71		\$2,385.55		30	
	Oct	11.69	0.31	0.31		Oct	21.39	0.31	0.31	9.70		\$2,463.97		31	
	Nov	11.69	0.31	0.31		Nov	21.39	0.31	0.31	9.70		\$2,383.42		30	
	Dec	11.69	0.31	0.31		Dec	21.39	0.31	0.31	9.70		\$2,461.76		31	
	Jan	11.70	0.31	0.31		Jan	21.39	0.31	0.31	9.69		\$2,460.66		31	
	Feb	11.70	0.31	0.31		Feb	21.39	0.31	0.31	9.69		\$2,221.54		28	
	Mar	11.71	0.31	0.31		Mar	21.39	0.31	0.31	9.68		\$2,458.46		31	
	Apr	11.71	0.31	0.31		Apr	21.39	0.31	0.31	9.68		\$2,378.09		30	
	May	11.72	0.31	0.31		May	21.39	0.31	0.31	9.67		\$2,456.25		31	
	June	11.72	0.31	0.31		June	21.39	0.31	0.31	9.67	106.61	\$2,375.95	\$28,979.09	30	
29	July	11.72	0.31	0.31	29	July	21.39	0.31	0.31	9.67		\$2,454.05		31	
	Aug	11.73	0.31	0.31		Aug	21.39	0.31	0.31	9.66		\$2,452.95		31	
	Sep	11.73	0.31	0.31		Sep	21.39	0.31	0.31	9.66		\$2,372.75		30	
	Oct	11.74	0.31	0.31		Oct	21.39	0.31	0.31	9.65		\$2,450.74		31	
	Nov	11.74	0.31	0.31		Nov	21.39	0.31	0.31	9.65		\$2,370.62		30	
	Dec	11.75	0.31	0.31		Dec	21.39	0.31	0.31	9.64		\$2,448.54		31	
	Jan	11.75	0.31	0.31		Jan	21.39	0.31	0.31	9.64		\$2,447.44		31	
	Feb	11.75	0.31	0.31		Feb	21.39	0.31	0.31	9.64		\$2,209.59		28	
	Mar	11.76	0.31	0.31		Mar	21.39	0.31	0.31	9.63		\$2,445.23		31	
	Apr	11.76	0.31	0.31		Apr	21.39	0.31	0.31	9.63		\$2,365.29		30	
	May	11.77	0.31	0.31		May	21.39	0.31	0.31	9.62		\$2,443.03		31	
	June	11.77	0.31	0.31		June	21.39	0.31	0.31	9.62	106.04	\$2,363.16	\$28,823.41	30	

NEVADA DEPARTMENT OF CORRECTIONS  
FISCAL NOTE CALCULATION  
FOR BDR # 15-1219

EFFECT OF AMENDEMENTS TO NRS:

200.030, 200.050, 200.280, 200.310, 200.366, 200.380, 200.400.

200.460, 200.471, 200.481, 205.0832, 205.220, 205.226, 205.228, 205.270, 206.150.

Average Sentence Length -Current Law					Average Sentence Length-Proposed Law						Impact				
Fiscal Year	Month	Net Cum No Inmates	Inmates In	Inmates Out	Fiscal Year	Month	Net Cum No Inmates	Inmates In	Inmates Out	Difference	Yearly Cum	Additional Monthly Cost	Additional Fiscal Year Costs	Days	Length in Months
30	July	11.78	0.31	0.31	30	July	21.39	0.31	0.31	9.61		\$2,440.83		31	
	Aug	11.78	0.31	0.31		Aug	21.39	0.31	0.31	9.61		\$2,439.73		31	
	Sep	11.78	0.31	0.31		Sep	21.39	0.31	0.31	9.61		\$2,359.96		30	
	Oct	11.79	0.31	0.31		Oct	21.39	0.31	0.31	9.60		\$2,437.52		31	
	Nov	11.79	0.31	0.31		Nov	21.39	0.31	0.31	9.60		\$2,357.83		30	
	Dec	11.80	0.31	0.31		Dec	21.39	0.31	0.31	9.59		\$2,435.32		31	
	Jan	11.80	0.31	0.31		Jan	21.39	0.31	0.31	9.59		\$2,434.22		31	
	Feb	11.81	0.31	0.31		Feb	21.39	0.31	0.31	9.58		\$2,354.63		30	
	Mar	11.81	0.31	0.31		Mar	21.39	0.31	0.31	9.58		\$2,432.01		31	
	Apr	11.82	0.31	0.31		Apr	21.39	0.31	0.31	9.57		\$2,352.49		30	
	May	11.82	0.31	0.31		May	21.39	0.31	0.31	9.57		\$2,429.81		31	
		June	11.82	0.31		0.31		June	21.39	0.31	0.31	9.57	105.46	\$2,350.36	\$28,824.70
AGGREGATE										867.02			\$216,086.49		72

Assumptions:

- (1) The average monthly number of inmates admitted is: 0.31
- (2) The average offender is guilty of a B felony while under the proposed the offender will be guilty of a B felony which will increase the average length of stay from 36 months to 71 months.
- (3) The inmate population will increase at an average yearly rate of 1.40%
- (4) This law becomes effective October 1st, 2017
- (5) The daily inmate driven cost of an inmate for the current fiscal year is \$6.27
- (5) The daily inmate driven cost of an inmate during FY 2018 is projected at \$8.09
- (6) The daily inmate driven cost of an inmate during FY 2019 and thereafter is \$8.19