

EXECUTIVE AGENCY
FISCAL NOTE

AGENCY'S ESTIMATES

Date Prepared: April 3, 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
Total	0	0	0	0

Explanation

(Use Additional Sheets of Attachments, if required)

The Nevada Department of Corrections (NDOC) has reviewed BDR 15-965, which makes proposed revisions to NRS 200.5092, NRS 200.5096 and NRS 200.5099 related to abuse, neglect, isolation or abandonment of an older person or a vulnerable person. New penalties would be assessed to specific provisions of Nevada Revised Statute 200.5099. Section 2, Subsection 2 of the BDR proposes to amend the Statute by increasing the maximum sentence for elder abuse by a person who has responsibility for caring for an older or vulnerable person, either legally, voluntarily, or on a contracted basis, and who engages in any type of behavior that results in substantial bodily or mental suffering. The penalty for a first offense will stay as a gross misdemeanor. A new penalty will be imposed on all subsequent offenses and punished as a category B felony with 2 to 6 years in prison. Subsection 7 adds that violations of Subsection 2 which result in substantial bodily or mental harm or death of an elderly or vulnerable person will be punishable with a minimum sentence of 2 years and a maximum of up to 20 years. Currently, the maximum length for this offense is set to 6 years. Section 3, Subsection 3 adds a new penalty for all subsequent offenses of financial exploitation of a senior or a vulnerable person regardless of the value of the assets.

The NDOC has determined that while the impact of this bill would result in an increase of length of stay of 38 months, the overall, short-term impact of this provision will be minor due to an average of only .85 inmates per year being admitted for this type of crime; and the long-term impact cannot be determined. There is not sufficient access to data to determine the impact to future biennia. The Governor's Recommended budget provides an average of \$18,719 in variable expenses per inmate for SFY18-19. The fiscal impact of this proposal would be this amount for each year of a new prison sentence. The NDOC is unable to determine fiscal impact.

Name Scott Ewart

Title Chief of Fiscal Services

GOVERNOR'S OFFICE OF FINANCE COMMENTS

The agency's response appears reasonable.

Date Friday, March 24, 2017

Name Paul Nicks

Title Exec. Branch Budget Officer

DESCRIPTION OF FISCAL EFFECT

BDR/Bill/Amendment Number: 15-965

Name of Agency: Department of Corrections

Division/Department: _____

Date: March 27, 2017

The Nevada Department of Corrections (NDOC) has reviewed BDR 15-965, which makes proposed revisions to NRS 200.5092, NRS 200.5096 and NRS 200.5099 related to abuse, neglect, isolation or abandonment of an older person or a vulnerable person. New penalties would be assessed to specific provisions of Nevada Revised Statute 200.5099. Section 2, Subsection 2 of the BDR proposes to amend the Statute by increasing the maximum sentence for elder abuse by a person who has responsibility for caring for an older or vulnerable person, either legally, voluntarily, or on a contracted basis, and who engages in any type of behavior that results in substantial bodily or mental suffering. The penalty for a first offense will stay as a gross misdemeanor. A new penalty will be imposed on all subsequent offenses and punished as a category B felony with 2 to 6 years in prison. Subsection 7 adds that violations of Subsection 2 which result in substantial bodily or mental harm or death of an elderly or vulnerable person will be punishable with a minimum sentence of 2 years and a maximum of up to 20 years. Currently, the maximum length for this offense is set to 6 years. Section 3, Subsection 3 adds a new penalty for all subsequent offenses of financial exploitation of a senior or a vulnerable person regardless of the value of the assets.

NDOC research staff searched its historical caseload data and identified 14 offenders in custody serving prison time for elder abuse and who are category B felons. Of these 14 individuals: 9 were charged with financial exploitation and five individuals are serving prison time for elder abuse causing substantial bodily harm. Four out of five individuals that were charged with causing substantial bodily harm are serving maximum sentences that are shorter than 20 years. Between July 1st, 2012 and March 21st, 2017, the NDOC admitted three individuals who were charged with abuse of an elderly person causing substantial bodily harm.

The impact of instituting a new penalty of for all subsequent offenses of elder abuse of 1 to 6 years in prison cannot be determined, because all elder abuse cases that have resulted in prison commitments are those that resulted in substantial bodily harm. These are cases that are prosecuted by the county courts and the NDOC has no access to the data.

The NDOC has determined that while the impact of this bill would result in an increase of length of stay of 38 months, the overall, short-term impact of this provision will be minor due to an average of only .85 inmates per year being admitted for this type of crime; and the long-term impact cannot be determined. The NDOC can only state at this time, that short-term impact is likely minimal. The Governor's Recommended budget provides an average of \$18,719 in variable expenses per inmate for SFY18-19. The fiscal impact of this proposal would be this amount for each year of a new prison sentence. There is not sufficient access to data to determine the impact to future biennia. Therefore NDOC is unable to determine fiscal impact at this time.