

BDR 15-759

AB 291

EXECUTIVE AGENCY FISCAL NOTE

AGENCY'S ESTIMATES

Date Prepared: March 26, 2019

Agency Submitting: Department of Corrections

Items of Revenue or Expense, or Both	Fiscal Year 2018-19	Fiscal Year 2019-20	Fiscal Year 2020-21	Effect on Future Biennia
Inmate Driven - Category 50 (Expense)			\$2,356	\$9,471
Total	0	0	\$2,356	\$9,471

Explanation

(Use Additional Sheets of Attachments, if required)

The Nevada Department of Corrections (NDOC) has reviewed BDR 15-759 REDO-1 where section 1 stipulates a person shall not manufacture, import, sell, transfer, receive, or possess any manual, power-driven or electronic device that can be attached to a semiautomatic firearm and speeds the rate of fire of the firearm, simulates the action of a machine gun, any combination of parts that has this type of effect and removes the need to make separate movements for each function of the trigger, or any semiautomatic weapon that was modified to perform as a machine gun. Violators will be guilty a category D felony. Employees of law enforcement agencies or members of the U.S. Armed Forces carrying out official duties will be exempt from the law. Section 2 defines a machine gun. Section 3 lowers the threshold for the allowable concentration of alcohol when an individual is in possession of a firearm. Section 5 amends NRS 202.3673 to prohibit a concealed firearms permittee from carrying a concealed firearm in a public building of a local government that has disallowed concealed firearms by ordinance.

NDOC staff searched statistical information regarding violations of the law involving the use of the types of firearms and devises described in the BDR and anticipates at least 21 category D prison admissions beginning in State Fiscal Year 2021. The proposed law will become effective October 1st, 2019 and result in 4 additional inmates per year at an inmate driven cost of \$2,356 by the end of State Fiscal Year 2021 and \$9,471 the subsequent biennium.

The fiscal impact in the biennium(s) as noted above, contain the projected incremental change in financial costs to implement the legislation as currently proposed in the BDR or bill. Funding for these incremental financial costs was not included in the Governor Recommends Budget for the SFY 2020-2021 Biennium and will require additional funding appropriations by the 80th (2019) Legislative Session.

Name Scott Ewart

Title Chief of Fiscal Services

GOVERNOR'S OFFICE OF FINANCE COMMENTS

Date Thursday, March 21, 2019

The agency's response appears reasonable.

Name Jim Rodriguez

Title Executive Branch Budget Officer II

DESCRIPTION OF FISCAL EFFECT

BDR/Bill/Amendment Number: 15-759 REDO 1

Name of Agency: Nevada Department of Corrections

Division/Department: _____

Date: March 20, 2019

The Nevada Department of Corrections (NDOC) has reviewed BDR 15-759 REDO-1 where section 1 stipulates that a person shall not manufacture, import, sell, transfer, receive, or possess any manual, power-driven or electronic device that can be attached to a semiautomatic firearm and speeds the rate of fire of the firearm, simulates the action of a machine gun, any combination of parts that has this type of effect and removes the need to make separate movements for each function of the trigger, or any semiautomatic weapon that was modified to perform as a machine gun. Violators will be guilty a category D felony and serve 1 to 4 years in a state prison. Employees of law enforcement agencies or members of the U.S. Armed Forces carrying out official duties will be exempt from the law. Section 2 defines a machine gun as weapon that shoots multiple times by a single movement of the trigger and without the need to reload manually; and a semiautomatic firearm is a self-loading gun that fires a bullet each time the trigger is pulled and performs all steps necessary to prepare it to fire again. Pursuant to NRS 202.257, it is unlawful to be in possession of a firearm after consuming select controlled substances or intoxicating liquor to the extent that the concentration of substances impairs an individual's ability to safely control the use of the firearm. Section 3 lowers the threshold for the allowable concentration of alcohol when an individual is in possession of a firearm from 0.10 to 0.08 or more per 100 millimeters or 210 liters of the individual's breath, except when the individual is in his or her own residence and utilizes the firearm for self-protection. The excessive consumption of controlled substances or liquor combined with the use of firearms is a misdemeanor. Section 5 amends NRS 202.3673 to prohibit a concealed firearms permittee from carrying a concealed firearm in a public building of a local government that has disallowed concealed firearms by ordinance.

Nevada Department of Corrections (NDOC) staff searched statistical information regarding violations of the law involving the use of the types of firearms and devices described in the bill draft request. It is unknown how many devices, or firearms with such devices, as stipulated in Sections 1 and 2 of the BDR, are owned in Nevada or how many are transferred. No statistics could be found on felony convictions for the offenses this BDR would implement. However, the Nevada Department of Corrections incarcerated a total of 21 individuals during years 2015 to 2018 for unlawful possession of short-barreled firearms, attempted manufacturing and possession of short guns, and possession and manufacture of explosives. It is assumed that these are the types of individuals that would likely violate the new law, if passed, and the NDOC anticipates that, at least, as many cases of possession, manufacture, and transfer of these types of devices and/or device equipped firearms will result in category D prison admissions beginning in State Fiscal Year 2021. The proposed law will become effective October 1st, 2019, and to derive the fiscal impact, the NDOC applied the method utilized by the Colorado Legislative Council that assumes that the average offender begins to serve a prison sentence 12 months after the offense is committed. Considering the assumptions set forth, the aggregate impact of passage of the provisions of BDR 15-759 R01 will result in approximately 3

additional inmates per year at an inmate driven cost of \$2,356 by the end of State Fiscal Year 2021 and \$9,471 the subsequent biennium.

The fiscal impact in the biennium(s) as noted above, contain the projected incremental change in financial costs to implement the legislation as currently proposed in the BDR or bill. Funding for these incremental financial costs was not included in the Governor Recommends Budget for the SFY 2020-2021 Biennium and will require additional funding appropriations by the 80th (2019) Legislative Session.

NEVADA DEPARTMENT OF CORRECTIONS
FISCAL NOTE CALCULATION
EFFECT ON POPULATION AND COST OF AMENDMENT TO CHAPTER 202 OF NRS
BILL DRAFT REQUEST 15-759 Redo 01

Date: March 19, 2019

Average Sentence Length = 7 months					Impact				
Fiscal Year	Month	Net Cum No Inmates	Inmates In	Inmates Out	Fiscal Year	Month	Additional Monthly Cost	Additional Fiscal Year Costs	Days
2020	July	0.00	0.00	0.00	2020	July	\$0.00		31
	Aug	0.00	0.00	0.00		Aug	\$0.00		31
	Sep	0.00	0.00	0.00		Sep	\$0.00		30
	Oct	0.00	0.00	0.00		Oct	\$0.00		31
	Nov	0.00	0.00	0.00		Nov	\$0.00		30
	Dec	0.00	0.00	0.00		Dec	\$0.00		31
	Jan	0.00	0.00	0.00		Jan	\$0.00		31
	Feb	0.00	0.00	0.00		Feb	\$0.00		29
	Mar	0.00	0.00	0.00		Mar	\$0.00		31
	Apr	0.00	0.00	0.00		Apr	\$0.00		30
	May	0.00	0.00	0.00		May	\$0.00		31
	June	0.00	0.00	0.00		June	\$0.00	\$0.00	30
2021	July	0.00	0.00	0.00	2021	July	\$0.00		31
	Aug	0.00	0.00	0.00		Aug	\$0.00		31
	Sep	0.00	0.00	0.00		Sep	\$0.00		30
	Oct	0.58	0.58	0.00		Oct	\$57.46		31
	Nov	1.17	0.58	0.00		Nov	\$111.21		30
	Dec	1.75	0.58	0.00		Dec	\$172.37		31
	Jan	2.34	0.58	0.00		Jan	\$229.83		31
	Feb	2.92	0.58	0.00		Feb	\$259.49		28
	Mar	3.51	0.58	0.00		Mar	\$344.75		31
	Apr	4.09	0.58	0.00		Apr	\$389.23		30
	May	4.09	0.58	0.58		May	\$402.21		31
	June	4.09	0.58	0.58		June	\$389.23	\$2,355.79	30
2022	July	4.09	0.58	0.58	2022	July	\$402.21		31
	Aug	4.09	0.58	0.58		Aug	\$402.21		31
	Sep	4.09	0.58	0.58		Sep	\$389.23		30
	Oct	4.09	0.58	0.58		Oct	\$402.21		31
	Nov	4.09	0.58	0.58		Nov	\$389.23		30
	Dec	4.09	0.58	0.58		Dec	\$402.21		31
	Jan	4.09	0.58	0.58		Jan	\$402.21		31
	Feb	4.09	0.58	0.58		Feb	\$363.28		28
	Mar	4.09	0.58	0.58		Mar	\$402.21		31
	Apr	4.09	0.58	0.58		Apr	\$389.23		30
	May	4.09	0.58	0.58		May	\$402.21		31
	June	4.09	0.58	0.58		June	\$389.23	\$4,735.67	30
2023	July	4.09	0.58	0.58	2023	July	\$402.21		31
	Aug	4.09	0.58	0.58		Aug	\$402.21		31
	Sep	4.09	0.58	0.58		Sep	\$389.23		30
	Oct	4.09	0.58	0.58		Oct	\$402.21		31
	Nov	4.09	0.58	0.58		Nov	\$389.23		30
	Dec	4.09	0.58	0.58		Dec	\$402.21		31
	Jan	4.09	0.58	0.58		Jan	\$402.21		31
	Feb	4.09	0.58	0.58		Feb	\$363.28		28
	Mar	4.09	0.58	0.58		Mar	\$402.21		31
	Apr	4.09	0.58	0.58		Apr	\$389.23		30
	May	4.09	0.58	0.58		May	\$402.21		31
	June	4.09	0.58	0.58		June	\$389.23	\$4,735.67	30
2024	July	4.09	0.58	0.58	2024	July	\$402.21		31
	Aug	4.09	0.58	0.58		Aug	\$402.21		31
	Sep	4.09	0.58	0.58		Sep	\$389.23		30
	Oct	4.09	0.58	0.58		Oct	\$402.21		31
	Nov	4.09	0.58	0.58		Nov	\$389.23		30
	Dec	4.09	0.58	0.58		Dec	\$402.21		31
	Jan	4.09	0.58	0.58		Jan	\$402.21		31
	Feb	4.09	0.58	0.58		Feb	\$376.26		29
	Mar	4.09	0.58	0.58		Mar	\$402.21		31
	Apr	4.09	0.58	0.58		Apr	\$389.23		30
	May	4.09	0.58	0.58		May	\$402.21		31
	June	4.09	0.58	0.58		June	\$389.23	\$4,748.65	30
2025	July	4.09	0.58	0.58	2025	July	\$402.21		31
	Aug	4.09	0.58	0.58		Aug	\$402.21		31
	Sep	4.09	0.58	0.58		Sep	\$389.23		30
	Oct	4.09	0.58	0.58		Oct	\$402.21		31
	Nov	4.09	0.58	0.58		Nov	\$389.23		30
	Dec	4.09	0.58	0.58		Dec	\$402.21		31
	Jan	4.09	0.58	0.58		Jan	\$402.21		31
	Feb	4.09	0.58	0.58		Feb	\$363.28		28
	Mar	4.09	0.58	0.58		Mar	\$402.21		31
	Apr	4.09	0.58	0.58		Apr	\$389.23		30
	May	4.09	0.58	0.58		May	\$402.21		31

**NEVADA DEPARTMENT OF CORRECTIONS
FISCAL NOTE CALCULATION
EFFECT ON POPULATION AND COST OF AMENDMENT TO CHAPTER 202 OF NRS
BILL DRAFT REQUEST 15-759 Redo 01**

Date: March 19, 2019

Average Sentence Length = 7 months					Impact				
Fiscal Year	Month	Net Cum No Inmates	Inmates In	Inmates Out	Fiscal Year	Month	Additional Monthly Cost	Additional Fiscal Year Costs	Days
2026	June	4.09	0.58	0.58	2026	June	\$389.23	\$4,735.67	30
	July	4.09	0.58	0.58		July	\$402.21		31
	Aug	4.09	0.58	0.58		Aug	\$402.21		31
	Sep	4.09	0.58	0.58		Sep	\$389.23		30
	Oct	4.09	0.58	0.58		Oct	\$402.21		31
	Nov	4.09	0.58	0.58		Nov	\$389.23		30
	Dec	4.09	0.58	0.58		Dec	\$402.21		31
	Jan	4.09	0.58	0.58		Jan	\$402.21		31
	Feb	4.09	0.58	0.58		Feb	\$363.28		28
	Mar	4.09	0.58	0.58		Mar	\$402.21		31
	Apr	4.09	0.58	0.58		Apr	\$389.23		30
	May	4.09	0.58	0.58		May	\$402.21		31
2027	June	4.09	0.58	0.58	2027	June	\$389.23	\$4,735.67	30
	July	4.09	0.58	0.58		July	\$402.21		31
	Aug	4.09	0.58	0.58		Aug	\$402.21		31
	Sep	4.09	0.58	0.58		Sep	\$389.23		30
	Oct	4.09	0.58	0.58		Oct	\$402.21		31
	Nov	4.09	0.58	0.58		Nov	\$389.23		30
	Dec	4.09	0.58	0.58		Dec	\$402.21		31
	Jan	4.09	0.58	0.58		Jan	\$402.21		31
	Feb	4.09	0.58	0.58		Feb	\$363.28		28
	Mar	4.09	0.58	0.58		Mar	\$402.21		31
	Apr	4.09	0.58	0.58		Apr	\$389.23		30
	May	4.09	0.58	0.58		May	\$402.21		31
2028	June	4.09	0.58	0.58	2028	June	\$389.23	\$4,748.65	30
	July	4.09	0.58	0.58		July	\$402.21		31
	Aug	4.09	0.58	0.58		Aug	\$402.21		31
	Sep	4.09	0.58	0.58		Sep	\$389.23		30
	Oct	4.09	0.58	0.58		Oct	\$402.21		31
	Nov	4.09	0.58	0.58		Nov	\$389.23		30
	Dec	4.09	0.58	0.58		Dec	\$402.21		31
	Jan	4.09	0.58	0.58		Jan	\$402.21		31
	Feb	4.09	0.58	0.58		Feb	\$376.26		29
	Mar	4.09	0.58	0.58		Mar	\$402.21		31
	Apr	4.09	0.58	0.58		Apr	\$389.23		30
	May	4.09	0.58	0.58		May	\$402.21		31
2029	June	4.09	0.58	0.58	2029	June	\$389.23	\$4,735.67	30
	July	4.09	0.58	0.58		July	\$402.21		31
	Aug	4.09	0.58	0.58		Aug	\$402.21		31
	Sep	4.09	0.58	0.58		Sep	\$389.23		30
	Oct	4.09	0.58	0.58		Oct	\$402.21		31
	Nov	4.09	0.58	0.58		Nov	\$389.23		30
	Dec	4.09	0.58	0.58		Dec	\$402.21		31
	Jan	4.09	0.58	0.58		Jan	\$402.21		31
	Feb	4.09	0.58	0.58		Feb	\$363.28		28
	Mar	4.09	0.58	0.58		Mar	\$402.21		31
	Apr	4.09	0.58	0.58		Apr	\$389.23		30
	May	4.09	0.58	0.58		May	\$402.21		31
AGGREGATE								\$40,267.13	

Assumptions:

- (1) The average monthly number of inmates admitted is: 0.58
- (2) The average offender is guilty of a D felony and serves an average of 7 months until paroled.
- (3) The inmate population will increase at an average yearly rate of 0.81%
- (4) This law becomes effective October 1st, 2019
- (5) The daily inmate driven cost of an inmate for the current fiscal year is \$2.96
- (6) The daily inmate driven cost of an inmate during FY 2020 is projected at \$3.17
- (7) The daily inmate driven cost of an inmate during FY 2021 and thereafter is projected at \$3.17

Note:

The annual growth in the population projection was derived by the JFA in the Spring of 2019.
The inmate driven costs were derived for the Governor Recommends Budget Phase in the Fall of 2018.

Nevada Department of Corrections
 Cost Effect of Bill Draft Request 15-759 Redo 1
 Unlawful Possession or Transfer of Machine Guns and Devices

Biennia	Fiscal Year	Net Cum No Inmates	Inmates In	Inmates Out	Additional Fiscal Year Costs	Future Biennia Costs
	2020	0.00	5.26	1.17	\$0.00	
1	2021	4.09	7.02	7.02	\$2,355.79	\$2,355.79
	2022	4.09	7.02	7.02	\$4,735.67	
2	2023	4.09	7.02	7.02	\$4,735.67	\$9,471.35
	2024	4.09	7.02	7.02	\$4,748.65	
3	2025	4.09	7.02	7.02	\$4,735.67	\$9,484.32
	2026	4.09	7.02	7.02	\$4,735.67	
4	2027	4.09	7.02	7.02	\$4,735.67	\$9,471.35
	2028	4.09	7.02	7.02	\$4,748.65	
5	2029	4.09	7.02	7.02	\$4,735.67	\$9,484.32
					<u>\$40,267.13</u>	<u>\$40,267.13</u>