

EXECUTIVE AGENCY
FISCAL NOTE

AGENCY'S ESTIMATES

Date Prepared: March 25, 2021

Agency Submitting: Department of Corrections

| Items of Revenue or Expense, or Both | Fiscal Year 2020-21 | Fiscal Year 2021-22 | Fiscal Year 2022-23 | Effect on Future Biennia |
|---|----------------------------|----------------------------|----------------------------|---------------------------------|
| Cat 50 Inmate Drivens (Expense) | | (\$75,774) | (\$275,792) | (\$286,057) |
| Total | 0 | (\$75,774) | (\$275,792) | (\$286,057) |

Explanation

(Use Additional Sheets of Attachments, if required)

Assembly Bill 230 (BDR 5-791) proposes to reform laws that provide the types of delinquent acts that are excluded from the jurisdiction of the juvenile court and that are codified under NRS 62B.330 and 62B.390, such as murder, sexual assault, use of firearms, violence resulting in substantial bodily harm or death, and other category A and B felony offenses. Instead, the juvenile court would retain jurisdiction of minors that commit select felony offenses and would not certify them as adults as currently required. An individual younger than 18 years of age that commits a criminal act will be under exclusive jurisdiction of the juvenile court. NRS 62B.370 will be amended to remove that criminal cases involving minors who commit the offenses listed in NRS 62B.300.3 (a) through (f) will not be transferred out of juvenile court. Lastly, NRS 62B.390 will be amended to remove all offenses that qualify a child to be convicted as an adult except when he or she commits murder at an age of at least 13 years old. After the proposed law is codified, the NDOC expects to realize cost savings of \$75,774 during the SFY 2022 – SFY 2023 Biennium, \$275,792 during the SFY 2024- SFY 2026 Biennium, and an average of \$286,057 in future biennia assuming that inmate driven costs stay constant. Please see attached Exhibits for details.

Name Adrienne Monroe

Title ASO III

GOVERNOR'S OFFICE OF FINANCE COMMENTS

Date Wednesday, March 24, 2021

The agency's response appears reasonable.

Name Jim Rodriguez

Title Executive Branch Budget Officer

DESCRIPTION OF FISCAL EFFECT

BDR/Bill/Amendment Number: 5-791

Name of Agency: Department of Corrections

Division/Department: 440/Corrections

Date: 3/18/2020

Assembly Bill 230 (BDR 5-791) proposes to reform laws that provide the types of delinquent acts that are excluded from the jurisdiction of the juvenile court and that are codified under NRS 62B.330 and 62B.390, such as murder, sexual assault, use of firearms, violence resulting in substantial bodily harm or death, and other category A and B felony offenses. Instead, the juvenile court would retain jurisdiction of minors that commit select felony offenses and would not certify them as adults as currently required. An individual younger than 18 years of age that commits a criminal act will be under exclusive jurisdiction of the juvenile court. NRS 62B.370 will be amended to remove that criminal cases involving minors who commit the offenses listed in NRS 62B.300.3 (a) through (f) will not be transferred out of juvenile court. Lastly, NRS 62B.390 will be amended to remove all offenses that qualify a child to be convicted as an adult except when he or she commits murder at an age of at least 13 years old.

Between January 1, 2017 and March 18, 2021 the Nevada Department of Corrections (NDOC) admitted 200 unduplicated minors who committed criminal offenses beginning at age 11 to 17 with the distribution of offense categories and demographics are as follows:

| Age | American Indian | Asian | Black | Caucasian | Hispanic | Unknown | Total |
|-------|-----------------|-------|-------|-----------|----------|---------|-------|
| 11 | | | | 1 | | | 1 |
| 12 | | | | 1 | | | 1 |
| 13 | | | | 1 | | | 1 |
| 14 | | | 5 | 3 | 2 | | 10 |
| 15 | | 1 | 10 | 6 | 3 | | 20 |
| 16 | | | 19 | 12 | 17 | | 48 |
| 17 | 1 | 3 | 75 | 20 | 19 | 1 | 119 |
| Total | 1 | 4 | 109 | 44 | 41 | 1 | 200 |

| Minors Admitted to Prison 2016 - 2021 | | |
|--|------------|----------------------------------|
| Offense Category | All Counts | Counts for less Serious Offenses |
| Category A | 41 | 0 |
| Category B | 140 | 60 |
| Category C | 17 | 16 |
| Category D | 2 | 2 |
| Total | 200 | 78 |

Unduplicated minor offenders have been admitted at the rate of 50 per year, of which 29 committed murder related offenses, several of them have holds and retainers, more than fifty percent are African American, 21.18% are Caucasian, and 20.43% Hispanic. However, many of them recidivate and return. Passage of Assembly Bill 230 is expected to reduce the number of minors that will be admitted in future years as well as the number of moves, inclusive of inmates that recidivate. When offenders that recidivated are included, the total number of admissions of minors during a period of four years totals 299, with only 49 of these admissions being related to convictions of murder or attempted murder. Assuming that historical trends will continue as the effect of the COVID-19 Pandemic evaporates, the number of admissions will be reduced by 255 or 51 per year; and category B, C, and D felons have average length of stays of 24 months and 12 days, and the mean number of days from arrest to sentencing for offenders that are convicted of violent, property, and drug offenses is 123 or 4 months. After the proposed law is codified, the NDOC expects to realize cost savings of \$75,774 during the SFY 2022 – SFY 2023 Biennium, \$275,792 during the SFY 2024- SFY 2026 Biennium, and an average of \$286,057 in future biennia assuming that inmate driven costs stay constant.

Nevada Department of Corrections
 Fiscal Note for Assembly Bill 230 (BDR 5-791)
 Effect of Amendment of NRS 62B.370
 Increasing the Number of Minors Placed under Jurisdiction of the Juvenile Court

| Average Sentence Length for Violent Offenders = 35.41 months | | | | | Impact | | | | |
|--|-------|--------------------|------------|-------------|-------------|-------|-------------------------|------------------------------|------|
| Fiscal Year | Month | Net Cum No Inmates | Inmates In | Inmates Out | Fiscal Year | Month | Additional Monthly Cost | Additional Fiscal Year Costs | Days |
| 2022 | July | 0.00 | | | 2022 | July | | | 31 |
| | Aug | 0.00 | | | | Aug | | | 31 |
| | Sep | 0.00 | | | | Sep | | | 30 |
| | Oct | 0.00 | | | | Oct | \$0 | | 31 |
| | Nov | 0.00 | | | | Nov | \$0 | | 30 |
| | Dec | 0.00 | | | | Dec | \$0 | | 31 |
| | Jan | 0.00 | | | | Jan | \$0 | | 31 |
| | Feb | -4.00 | -4.00 | | | Feb | -\$457 | | 28 |
| | Mar | -8.00 | -4.00 | | | Mar | -\$1,012 | | 31 |
| | Apr | -12.00 | -4.00 | | | Apr | -\$1,469 | | 30 |
| | May | -16.00 | -4.00 | | | May | -\$2,024 | | 31 |
| | June | -20.00 | -4.00 | | 0 | June | -\$2,448 | -\$7,409 | 30 |
| 2023 | July | -24.00 | -4.00 | | 2023 | July | -\$3,036 | | 31 |
| | Aug | -28.00 | -4.00 | | | Aug | -\$3,541 | | 31 |
| | Sep | -32.00 | -4.00 | | | Sep | -\$3,917 | | 30 |
| | Oct | -36.00 | -4.00 | | | Oct | -\$4,553 | | 31 |
| | Nov | -40.00 | -4.00 | | | Nov | -\$4,896 | | 30 |
| | Dec | -44.00 | -4.00 | | | Dec | -\$5,565 | | 31 |
| | Jan | -48.00 | -4.00 | | | Jan | -\$6,071 | | 31 |
| | Feb | -52.00 | -4.00 | | | Feb | -\$5,940 | | 28 |
| | Mar | -56.00 | -4.00 | | | Mar | -\$7,083 | | 31 |
| | Apr | -60.00 | -4.00 | | | Apr | -\$7,344 | | 30 |
| | May | -64.00 | -4.00 | | | May | -\$8,095 | | 31 |
| | June | -68.00 | -4.00 | | 0 | June | -\$8,323 | -\$68,364 | 30 |
| 2024 | July | -72.00 | -4.00 | | 2024 | July | -\$9,107 | | 31 |
| | Aug | -76.00 | -4.00 | | | Aug | -\$9,612 | | 31 |
| | Sep | -80.00 | -4.00 | | | Sep | -\$9,792 | | 30 |
| | Oct | -84.00 | -4.00 | | | Oct | -\$10,624 | | 31 |
| | Nov | -88.00 | -4.00 | | | Nov | -\$10,771 | | 30 |
| | Dec | -92.00 | -4.00 | | | Dec | -\$11,636 | | 31 |
| | Jan | -96.00 | -4.00 | | | Jan | -\$12,142 | | 31 |
| | Feb | -96.00 | -4.00 | -4.00 | | Feb | -\$11,359 | | 29 |
| | Mar | -96.00 | -4.00 | -4.00 | | Mar | -\$12,142 | | 31 |
| | Apr | -96.00 | -4.00 | -4.00 | | Apr | -\$11,750 | | 30 |
| | May | -96.00 | -4.00 | -4.00 | | May | -\$12,142 | | 31 |
| | June | -96.00 | -4.00 | -4.00 | 0 | June | -\$11,750 | -\$132,828 | 30 |
| 2025 | July | -96.00 | -4.00 | -4.00 | 2025 | July | -\$12,142 | | 31 |
| | Aug | -96.00 | -4.00 | -4.00 | | Aug | -\$12,142 | | 31 |
| | Sep | -96.00 | -4.00 | -4.00 | | Sep | -\$11,750 | | 30 |
| | Oct | -96.00 | -4.00 | -4.00 | | Oct | -\$12,142 | | 31 |
| | Nov | -96.00 | -4.00 | -4.00 | | Nov | -\$11,750 | | 30 |
| | Dec | -96.00 | -4.00 | -4.00 | | Dec | -\$12,142 | | 31 |
| | Jan | -96.00 | -4.00 | -4.00 | | Jan | -\$12,142 | | 31 |
| | Feb | -96.00 | -4.00 | -4.00 | | Feb | -\$10,967 | | 28 |
| | Mar | -96.00 | -4.00 | -4.00 | | Mar | -\$12,142 | | 31 |
| | Apr | -96.00 | -4.00 | -4.00 | | Apr | -\$11,750 | | 30 |
| | May | -96.00 | -4.00 | -4.00 | | May | -\$12,142 | | 31 |
| | June | -96.00 | -4.00 | -4.00 | 0 | June | -\$11,750 | -\$142,963 | 30 |
| 2026 | July | -96.00 | -4.00 | -4.00 | 2026 | July | -\$12,142 | | 31 |
| | Aug | -96.00 | -4.00 | -4.00 | | Aug | -\$12,142 | | 31 |
| | Sep | -96.00 | -4.00 | -4.00 | | Sep | -\$11,750 | | 30 |
| | Oct | -96.00 | -4.00 | -4.00 | | Oct | -\$12,142 | | 31 |
| | Nov | -96.00 | -4.00 | -4.00 | | Nov | -\$11,750 | | 30 |
| | Dec | -96.00 | -4.00 | -4.00 | | Dec | -\$12,142 | | 31 |
| | Jan | -96.00 | -4.00 | -4.00 | | Jan | -\$12,142 | | 31 |
| | Feb | -96.00 | -4.00 | -4.00 | | Feb | -\$10,967 | | 28 |
| | Mar | -96.00 | -4.00 | -4.00 | | Mar | -\$12,142 | | 31 |
| | Apr | -96.00 | -4.00 | -4.00 | | Apr | -\$11,750 | | 30 |
| | May | -96.00 | -4.00 | -4.00 | | May | -\$12,142 | | 31 |
| | June | -96.00 | -4.00 | -4.00 | 0 | June | -\$11,750 | -\$142,963 | 30 |
| 2027 | July | -96.00 | -4.00 | -4.00 | 2027 | July | -\$12,142 | | 31 |
| | Aug | -96.00 | -4.00 | -4.00 | | Aug | -\$12,142 | | 31 |
| | Sep | -96.00 | -4.00 | -4.00 | | Sep | -\$11,750 | | 30 |
| | Oct | -96.00 | -4.00 | -4.00 | | Oct | -\$12,142 | | 31 |
| | Nov | -96.00 | -4.00 | -4.00 | | Nov | -\$11,750 | | 30 |
| | Dec | -96.00 | -4.00 | -4.00 | | Dec | -\$12,142 | | 31 |

| Average Sentence Length for Violent Offenders = 35.41 months | | | | | Impact | | | | |
|--|-------|--------------------|------------|-------------|-------------|-------|-------------------------|------------------------------|------|
| Fiscal Year | Month | Net Cum No Inmates | Inmates In | Inmates Out | Fiscal Year | Month | Additional Monthly Cost | Additional Fiscal Year Costs | Days |
| | Jan | -96.00 | -4.00 | -4.00 | | Jan | -\$12,142 | | 31 |
| | Feb | -96.00 | -4.00 | -4.00 | | Feb | -\$10,967 | | 28 |
| | Mar | -96.00 | -4.00 | -4.00 | | Mar | -\$12,142 | | 31 |
| | Apr | -96.00 | -4.00 | -4.00 | | Apr | -\$11,750 | | 30 |
| | May | -96.00 | -4.00 | -4.00 | | May | -\$12,142 | | 31 |
| | June | -96.00 | -4.00 | -4.00 | 0 | June | -\$11,750 | -\$142,963 | 30 |
| 2028 | July | -96.00 | -4.00 | -4.00 | 2028 | July | -\$12,142 | | 31 |
| | Aug | -96.00 | -4.00 | -4.00 | | Aug | -\$12,142 | | 31 |
| | Sep | -96.00 | -4.00 | -4.00 | | Sep | -\$11,750 | | 30 |
| | Oct | -96.00 | -4.00 | -4.00 | | Oct | -\$12,142 | | 31 |
| | Nov | -96.00 | -4.00 | -4.00 | | Nov | -\$11,750 | | 30 |
| | Dec | -96.00 | -4.00 | -4.00 | | Dec | -\$12,142 | | 31 |
| | Jan | -96.00 | -4.00 | -4.00 | | Jan | -\$12,142 | | 31 |
| | Feb | -96.00 | -4.00 | -4.00 | | Feb | -\$11,359 | | 29 |
| | Mar | -96.00 | -4.00 | -4.00 | | Mar | -\$12,142 | | 31 |
| | Apr | -96.00 | -4.00 | -4.00 | | Apr | -\$11,750 | | 30 |
| | May | -96.00 | -4.00 | -4.00 | | May | -\$12,142 | | 31 |
| | June | -96.00 | -4.00 | -4.00 | 0 | June | -\$11,750 | -\$143,355 | 30 |
| 2029 | July | -96.00 | -4.00 | -4.00 | 2029 | July | -\$12,142 | | 31 |
| | Aug | -96.00 | -4.00 | -4.00 | | Aug | -\$12,142 | | 31 |
| | Sep | -96.00 | -4.00 | -4.00 | | Sep | -\$11,750 | | 30 |
| | Oct | -96.00 | -4.00 | -4.00 | | Oct | -\$12,142 | | 31 |
| | Nov | -96.00 | -4.00 | -4.00 | | Nov | -\$11,750 | | 30 |
| | Dec | -96.00 | -4.00 | -4.00 | | Dec | -\$12,142 | | 31 |
| | Jan | -96.00 | -4.00 | -4.00 | | Jan | -\$12,142 | | 31 |
| | Feb | -96.00 | -4.00 | -4.00 | | Feb | -\$10,967 | | 28 |
| | Mar | -96.00 | -4.00 | -4.00 | | Mar | -\$12,142 | | 31 |
| | Apr | -96.00 | -4.00 | -4.00 | | Apr | -\$11,750 | | 30 |
| | May | -96.00 | -4.00 | -4.00 | | May | -\$12,142 | | 31 |
| | June | -96.00 | -4.00 | -4.00 | 0 | June | -\$11,750 | -\$142,963 | 30 |
| 2030 | July | -96.00 | -4.00 | -4.00 | 2030 | July | -\$12,142 | | 31 |
| | Aug | -96.00 | -4.00 | -4.00 | | Aug | -\$12,142 | | 31 |
| | Sep | -96.00 | -4.00 | -4.00 | | Sep | -\$11,750 | | 30 |
| | Oct | -96.00 | -4.00 | -4.00 | | Oct | -\$12,142 | | 31 |
| | Nov | -96.00 | -4.00 | -4.00 | | Nov | -\$11,750 | | 30 |
| | Dec | -96.00 | -4.00 | -4.00 | | Dec | -\$12,142 | | 31 |
| | Jan | -96.00 | -4.00 | -4.00 | | Jan | -\$12,142 | | 31 |
| | Feb | -96.00 | -4.00 | -4.00 | | Feb | -\$10,967 | | 28 |
| | Mar | -96.00 | -4.00 | -4.00 | | Mar | -\$12,142 | | 31 |
| | Apr | -96.00 | -4.00 | -4.00 | | Apr | -\$11,750 | | 30 |
| | May | -96.00 | -4.00 | -4.00 | | May | -\$12,142 | | 31 |
| | June | -96.00 | -4.00 | -4.00 | 0 | June | -\$11,750 | -\$142,963 | 30 |
| 2031 | July | -96.00 | -4.00 | -4.00 | 2031 | July | -\$12,142 | | 31 |
| | Aug | -96.00 | -4.00 | -4.00 | | Aug | -\$12,142 | | 31 |
| | Sep | -96.00 | -4.00 | -4.00 | | Sep | -\$11,750 | | 30 |
| | Oct | -96.00 | -4.00 | -4.00 | | Oct | -\$12,142 | | 31 |
| | Nov | -96.00 | -4.00 | -4.00 | | Nov | -\$11,750 | | 30 |
| | Dec | -96.00 | -4.00 | -4.00 | | Dec | -\$12,142 | | 31 |
| | Jan | -96.00 | -4.00 | -4.00 | | Jan | -\$12,142 | | 31 |
| | Feb | -96.00 | -4.00 | -4.00 | | Feb | -\$10,967 | | 28 |
| | Mar | -96.00 | -4.00 | -4.00 | | Mar | -\$12,142 | | 31 |
| | Apr | -96.00 | -4.00 | -4.00 | | Apr | -\$11,750 | | 30 |
| | May | -96.00 | -4.00 | -4.00 | | May | -\$12,142 | | 31 |
| | June | -96.00 | -4.00 | -4.00 | 0 | June | -\$11,750 | -\$142,963 | 30 |
| 2032 | July | -96.00 | -4.00 | -4.00 | 2032 | July | -\$12,142 | | 31 |
| | Aug | -96.00 | -4.00 | -4.00 | | Aug | -\$12,142 | | 31 |
| | Sep | -96.00 | -4.00 | -4.00 | | Sep | -\$11,750 | | 30 |
| | Oct | -96.00 | -4.00 | -4.00 | | Oct | -\$12,142 | | 31 |
| | Nov | -96.00 | -4.00 | -4.00 | | Nov | -\$11,750 | | 30 |
| | Dec | -96.00 | -4.00 | -4.00 | | Dec | -\$12,142 | | 31 |
| | Jan | -96.00 | -4.00 | -4.00 | | Jan | -\$12,142 | | 31 |
| | Feb | -96.00 | -4.00 | -4.00 | | Feb | -\$11,359 | | 29 |
| | Mar | -96.00 | -4.00 | -4.00 | | Mar | -\$12,142 | | 31 |
| | Apr | -96.00 | -4.00 | -4.00 | | Apr | -\$11,750 | | 30 |
| | May | -96.00 | -4.00 | -4.00 | | May | -\$12,142 | | 31 |
| | June | -96.00 | -4.00 | -4.00 | 0 | June | -\$11,750 | -\$143,355 | 30 |
| Aggregate | | | | | | | | -\$1,353,091 | |

Assumptions:

- (1) The average monthly number of inmates admitted is: -4.25
- (2) The average offender that is guilty of drug, property, DUI, or other offenses and serves an average of 24 months and 12 days until paroled.
- (3) The inmate population will increase at an average yearly rate of 2.01%
- (4) This law becomes effective October 1, 2021
- (5) The daily inmate driven cost of an inmate for the current fiscal year is \$3.17
- (6) The daily inmate driven cost of an inmate during FY 2022 is projected at \$4.08
- (7) The daily inmate driven cost of an inmate during FY 2023 and thereafter is projected at \$4.08

Note:

The annual growth in the population projection was derived by the JFA in February of 2021.
 The inmate driven costs were derived for the Governor Recommends Budget Phase in the October 2020.

Nevada Department of Corrections
 Assembly Bill 230 (BDR 5-791)
 Cost Savings of Reducing the Number of Minors Sentenced as Adults

| Binnia | Fiscal Year | Net Cum No Inmates | Inmates In | Inmates Out | Additional Fiscal Year Costs | Future Biennea Costs |
|--------|-------------|--------------------------|------------|-------------|------------------------------------|-------------------------|
| 1 | 2022 | -20 | -48 | 0 | -\$7,409 | |
| | 2023 | -68 | -48 | -20 | -\$68,364 | -\$75,774 |
| 2 | 2024 | -96 | -48 | -48 | -\$132,828 | |
| | 2025 | -96 | -48 | -48 | -\$142,963 | -\$275,792 |
| 3 | 2026 | -96 | -48 | -48 | -\$142,963 | |
| | 2027 | -96 | -48 | -48 | -\$142,963 | -\$285,926 |
| 4 | 2028 | -96 | -48 | -48 | -\$143,355 | |
| | 2029 | -96 | -48 | -48 | -\$142,963 | -\$286,318 |
| 5 | 2030 | -96 | -48 | -48 | -\$142,963 | |
| | 2031 | -96 | -48 | -48 | -\$142,963 | -\$285,926 |