

UNSOLICITED
EXECUTIVE AGENCY
FISCAL NOTE

AGENCY'S ESTIMATES

Date Prepared: May 19, 2023

Agency Submitting: Department of Corrections

Items of Revenue or Expense, or Both	Fiscal Year 2022-23	Fiscal Year 2023-24	Fiscal Year 2024-25	Effect on Future Biennia
various categories (Expense)			\$8,761,813	\$1,752,363
Total	0	0	\$8,761,813	\$1,752,363

Explanation

(Use Additional Sheets of Attachments, if required)

The Nevada Department of Corrections (NDOC) has reviewed SB 35 (1) as amended and has determined there would be a fiscal impact on the department, if the bill is implemented. SB 35 (1) identifies that possession of 4oz or greater of fentanyl would rise to that Cat A/B level. Fentanyl is a common cutting agent in most synthetic controlled substances. Therefore, as the bill is written there is a high probability fentanyl would be present even in trace amounts of other controlled substances and therefore the entire evidence could be used considered, if the total weight was greater than 4 oz. The rationale for calculation of the estimated increase in offenders was to compare Category A and B drug trafficking/possession offender counts in 2018 (pre-AB 236) to the counts of the type of offender in NDOC's care in 2022 (post COVID, Post AB 236). NDOC identified 512 offenders in its care for category A and B for drug trafficking/possession in 2018 compared 159 offenders in its care, for a difference of 353 offenders. Based on this information, NDOC anticipates seeing an additional 178 offenders in our institutions at the end of the first year FY 24, and the remaining 175 for a total of 353 at the end of the 23-25 Biennium. Using the cost per inmate per year from the Governors Recommended budget (\$24,821) the Department estimates the fiscal impact to be \$8,761,813 in the second year of the biennium. More importantly, the offenders under this bill would come into our institutions in medium custody beds. NDOC anticipates having a shortage of medium custody beds in the second year of the biennium based on our biennium housing plan. This bill, if implemented would further exacerbate NDOC's anticipated shortage of medium custody beds given funding was not approved to reopen the Warm Springs Correctional Center in FY25, as recommended.

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