

FISCAL NOTE

SB 2766 - HB 3234

March 25, 1998

SUMMARY OF BILL: Creates the Anti-Gang and Street Terrorism Act of 1998 which:

1. Deletes current law which provides enhanced punishment for criminal gang offenses
2. Deletes requirements of proof of criminal gang membership and pattern of criminal gang activity.
3. Creates a new offense of criminal gang activity punished in addition to and one classification higher than predicate offense to be served consecutively.
4. Creates a Class D felony for possession of a weapon during the commission of a felony drug offense to be served consecutively to any sentence for the drug offense and no eligibility for alternative community sentencing.
5. Creates a Class A to Class D felony offense for discharge of a firearm from a vehicle depending upon resultant death of a victim or level of injury to person or property caused by such actions. Provides for forfeiture of vehicle.
6. Provides that crimes of violence while acting in concert with two or more other persons shall be classified one classification higher than if one person committed the offense alone. The presumptive sentence for a Class A felony will be the maximum of the range (minimum 25 years). The fact that the group was not a criminal gang is not a defense under the bill.
7. Provides statutory aggravating circumstances to impose sentence of death or life without parole where murder was committed while acting in concert with two or more other persons.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - Net Impact - \$1,057,600/Incarceration*
Increase State Revenues - Not Significant

Assumes:

- a decrease in state expenditures of \$1,286,800 for incarceration resulting from deletion of the current law for enhanced punishment for gang offenses.

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- an increase in state expenditures of \$2,344,400 for incarceration based upon ten percent of offenders, 25 years of age and under, from the four major metropolitan counties committing violent offenses as gang or group criminal activity. A population of 121 offenders was identified and the appropriate additional period of incarceration for offenses elevated one classification higher than the predicate offenses or specified penalties were calculated.
- some increase in revenues from forfeiture of property.

**Section 9-6-119, TCA, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James A. Davenport, Executive Director