

FISCAL NOTE

HB 493 - SB 538

February 26, 2001

SUMMARY OF BILL: Classifies consent given by a person of any age, whom the accused knows to be incapable of reasonable decision making due to such person's age, as *ineffective consent*. The bill also classifies as *ineffective consent* any consent given by an elderly person to one of such person's fiduciaries, when the fiduciary uses the elderly person's property for the benefit of someone other than the elderly person, with the intent to deprive the elderly person of property.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$18,600/Incarceration*

Assumes two additional Class E felony convictions and one additional Class D felony conviction each year for theft of property.

*Section 9-4-210, 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. The amount appropriated for operating cost, in current dollars, shall be based upon the highest cost of the next 10 years, beginning with the year the additional sentence to be served impacts the correctional facilities population.*

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