

FISCAL NOTE

HB 2809 - SB 3041

February 21, 2004

SUMMARY OF BILL: (1) Increases the punishment for evading arrest as follows:

- If violation results in no property damage or personal injury, offense would be classified as a Class E felony with minimum mandatory sentence of one year imprisonment. Currently, this offense is a Class E felony with no minimum mandatory sentence;
- If violation results in property damage, offense would be classified as a Class D felony with minimum mandatory sentence of two years imprisonment per instance of property damage. Currently, this offense is a Class E felony with no minimum mandatory sentence;
- If violation results in personal injury, offense would be classified as a Class C felony with a minimum mandatory sentence of three years imprisonment per instance of personal injury. Currently, this offense is a Class D felony with no minimum mandatory sentence;
- If violation results in death to any person, offense would be classified as a Class B felony with a minimum mandatory sentence of 25 years. Currently, this offense has no minimum mandatory sentence;
- Any sentence imposed as a violation of these provisions must be served consecutively to any sentence imposed for the criminal actions from which the person was attempting to flee or elude law enforcement officers.

(2) Adds a new section that provides it is not unlawful for a female driver who is alone in a vehicle, and who receives a signal from an unmarked police car, to proceed at a pace of no more than 35 miles per hour to a public area before stopping the vehicle.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$5,475,500/Incarceration*

Estimate assumes 316 offenders will receive additional years of incarceration from minimum mandatory sentences ranging from one year to 20 years and sentences to be served consecutively to an underlying offense for fleeing or attempting to elude a law enforcement officer.

**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 W. White, Executive Director