

CORRECTED FISCAL NOTE

SB 2581 - HB 2666

February 25, 2006

SUMMARY OF BILL: Creates a new Class B felony for the offense of “child sexual batterer”. Requires convicted offender to serve entire sentence imposed by the court, undiminished by sentence reduction credits, and mandates the offender is ineligible for diversion or probation.

ESTIMATED FISCAL IMPACT:

On February 13, 2006, we issued a fiscal note which indicated *an increase in state expenditures of \$1,885,400/Incarceration**. Based on the additional information provided to us, the estimated fiscal impact of this bill is:

(CORRECTED)

Increase State Expenditures - \$2,017,000 /Incarceration*

Assumptions:

- Any convictions for this new offense would be prosecuted as aggravated sexual battery under current law, which is also a Class B felony. This bill will result in an increase in average sentence length from 6.8 years to 8.0 years due to the new requirement of serving 100 percent of the sentence.
- According to the Department of Correction, in 2004-05, 98 persons were convicted of aggravated sexual battery. Eighty-five percent of those convictions (83 persons) would have been for being a sexual batterer under this bill.
- According to the U.S. Census Bureau, population growth in Tennessee has averaged 1.09 percent per year for the past 10 years.
- Eighty-three persons will be convicted of being sexual batterers in the first year. Population growth of 1.09 percent per year will result in nine additional offenders serving additional time in the tenth year after the sentence increase is added to time currently served. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based upon 92 offenders serving additional time on their sentences.
- Ninety-two offenders will serve an additional 1.2 years (an increase from 6.8 years to 8 years). According to the Department of Correction, the average operating cost per inmate per day for calendar year 2006 is

SB 2581 - HB 2666 (CORRECTED)

\$50.02. The cost per inmate at 6.8 years is \$124,234.67 (\$50.02 x 2483.7 days). The cost per inmate at 8.0 years is \$146,158.44 (\$50.02 x 2922 days). The additional cost from increasing the average sentence length from 6.8 years to 8.0 years is \$21,923.77 (\$146,158.44 - \$124,234.67). The total additional operating cost for 92 offenders per year is \$2,016,986.84 (\$21,923.77 x 92).

** Tennessee Code Annotated, Section 9-4-210, 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 from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

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

A handwritten signature in black ink, appearing to read "James W. White". The signature is fluid and cursive, with a large initial "J" and "W".

James W. White, Executive Director