

## **FISCAL NOTE**

### **SB 3636 - HB 3589**

March 25, 2006

**SUMMARY OF BILL:** Increases the penalty for the offense of statutory rape from a Class E to a Class D felony if the defendant is 10 to 20 years older than the victim and to a Class C felony if the defendant is at least 20 years older than the victim.

#### **ESTIMATED FISCAL IMPACT:**

##### **Increase State Expenditures - \$296,000 / Incarceration\***

##### Assumptions:

- Statutory rape, including statutory rape with an age difference of 10 years or more, is currently a Class E felony.
- According to the Department of Correction (DOC), in 1999 – 2005, an average of 102 persons a year were convicted of statutory rape. Based on the age of the offenders, DOC estimates that 13% (13) were at least 20 years older than the victim and 23% (23) were at least ten years but less than 20 years older than the victim.
- According to the U.S. Census Bureau, population growth in Tennessee has averaged 1.09 percent per year for the past 10 years, yielding a projected compound population growth of 13.6% over the next ten years.
- Thirteen persons will be convicted for the Class C felony offense of statutory rape where the defendant is at least 20 years older than the victim in the first year. Population growth of 1.09 percent per year will result in one additional offender in the tenth year as a result of this bill. The maximum cost in the tenth year, as required by Tenn. Code Ann. §9-4-210, is based on 14 offenders serving additional time on their sentences in the tenth year.
- Fourteen offenders will serve an additional 0.6 years (an increase from 0.3 years to 0.9 years for statutory rape). According to the Department of Correction, the average operating cost per inmate per day for calendar year 2006 is \$50.02. The cost per inmate at 0.3 years is \$5,481.19 (\$50.02 x 109.58 days). The cost per inmate at 0.9 years is \$16,442.57 (\$50.02 x 328.72 days). The additional cost from increasing the average sentence length from 0.3 years to 0.9 years is \$10,961.38 (\$16,442.57 - \$5,481.19). The total additional operating cost for 14 offenders per year is \$153,459.32 (\$10,961.38 x 14).

- Twenty-three persons will be convicted for the Class D felony offense of statutory rape where the defendant is at least 10 years but less than 20 years older than the victim in the first year. Population growth of 1.09 percent per year will result in three additional offenders in the tenth year as a result of this bill. The maximum cost in the tenth year is based on 26 offenders serving additional time on their sentences in the tenth year.
- Twenty-six offenders will serve an additional 0.3 years (an increase from 0.3 years to 0.6 years for statutory rape). The cost per inmate at 0.3 years is \$5,481.19 ( $\$50.02 \times 109.58$  days). The cost per inmate at 0.6 years is \$10,961.88 ( $\$50.02 \times 219.15$  days). The additional cost from increasing the average sentence length from 0.3 years to 0.6 years is \$5,480.69 ( $\$10,961.88 - \$5,481.19$ ). The total additional operating cost for 26 offenders per year is \$142,497.94 ( $\$5,480.69 \times 26$ ).

*\*Tennessee Code Annotated, 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 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.



James W. White, Executive Director