



May 5, 2010

SUMMARY OF AMENDMENT (016599): Deletes all language after the enacting clause. Creates a new Class C felony offense of aggravated domestic assault for a person to commit aggravated assault as defined in Tenn. Code Ann. § 39-13-102 against a domestic abuse victim. Domestic assault is currently punished as assault which can be either a Class A or Class B misdemeanor.

CORRECTED FISCAL IMPACT OF ORIGINAL BILL:

Decrease State Revenue – Not Significant
Increase State Expenditures - \$389,366,300/Incarceration*

Decrease Local Revenue – Not Significant
Decrease Local Expenditures – Not Significant

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Increase State Expenditures - \$151,676,400/Incarceration*

Assumptions applied to amendment:

- According to the Administrative Office of the Courts, there has been an average of 705 convictions of domestic assault in each of the past five years. State court convictions are 10 percent of the total convictions. Total convictions, including general sessions courts, are estimated to be an average of 7,050 per year.
- According to the Tennessee Bureau of Investigations' 2008 Crime in Tennessee Report, there were 38,367 adult arrests for assault. Of the total, 27,888 were for simple assault (72.69 percent) and 10,478 were for aggravated assault (27.31 percent).
- The Department of Correction (DOC) estimates 5,125 (72.69% x 7,050) of the total convictions (7,050) would be misdemeanors. The remaining 1,925 (7,050 – 5,125) would be convicted of a Class C felony offense as a result of this bill.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound growth of 11.78 percent over the next 10 years. Population growth will result in 203 additional offenders in the tenth year. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on 2,128 offenders receiving a Class C felony.
- According to DOC, the average operating cost per offender per day for calendar year 2010 is \$59.86. The average post-conviction time served for a Class C felony is 3.26

years (1,190.72 days) at a cost of \$71,276.50 (\$59.86 x 1,190.72 days). The total additional cost for 2,128 offenders is \$151,676,392 (\$71,276.50 x 2,128).

**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 that reads "James W. White". The signature is written in a cursive style with a large initial "J" and a long horizontal stroke at the end.

James W. White, Executive Director

/lsc