

**TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE**



**FISCAL NOTE**

**HB 123**

April 3, 2009

**SUMMARY OF BILL:** Requires mandatory Global Positioning System (GPS) monitoring for all offenders who are released on probation or parole for the full extent of the offender's term of probation or parole. Requires the Board of Probation and Parole (BOPP) to establish an offender monitoring program and to develop implementing guidelines for the continuous satellite-based monitoring of offenders prior to December 31, 2009. Hardware contracts for the program shall be executed prior to June 30, 2010. Requires BOPP to report to the members of the House of Representatives and Senate Judiciary Committees and to the Joint Oversight Committee on Correction regarding implementation on or before April 1, 2011.

Creates a Class A misdemeanor for the intentional tampering with, removal of, or vandalism to a GPS device by an offender enrolled in the program. Punishable by a mandatory minimum 180 days in a county jail. The offender is not eligible for suspension of sentence, diversion, or probation until the minimum sentence is served in its entirety. A second or subsequent offense is a Class E felony. If the offender is on probation, parole, or any other alternative to incarceration, a violation shall constitute grounds for immediate revocation. Creates a Class A misdemeanor for any person who knowingly aids, abets, or assists an offender in tampering with, removing, or vandalizing a GPS device. Requires BOPP to assess fees to be paid by offenders, subject to ability to pay, to offset the costs of time-correlated geographic tracking of offenders. Authorizes the Department of Correction (DOC), the Tennessee Bureau of Investigation (TBI), and all local law enforcement agencies to share criminal incident information.

**ESTIMATED FISCAL IMPACT:**

**Increase State Revenue - \$4,056,000**

**Increase State Expenditures - \$1,281,600/One-Time  
\$151,298,300/Recurring  
\$10,202,300/Incarceration\***

**Increase Local Revenue - Not Significant  
Increase Local Expenditures - \$4,263,500\*\***

### Assumptions:

- BOPP supervises approximately 52,000 offenders. If all offenders were on GPS surveillance, BOPP would monitor five percent (2,600) with an active system and the remaining 95 percent (49,400) with a passive system. Only serious and violent offenders, including serious and violent sex offenders and those mandated by current law to be supervised with GPS, who present a significant risk would be monitored using active equipment.
- To monitor all offenders on GPS throughout the term of their supervision, BOPP will require 1,426 additional field staff positions at a cost of \$69,367,770 (average salaries and benefits of \$48,645 x 1,426 positions). BOPP would require 58 positions to operate the GPS Operations Center (GO Center). The GO Center is operational 24 hours a day, seven days a week. These positions will cost \$2,833,822 (average salaries and benefits of \$48,859 x 58 positions). BOPP would require nine additional positions for the central office program at a cost of \$436,643 (average salaries and benefits of \$48,515.88 x 9 positions). BOPP would require additional 104 GPS equipment technician positions to inventory control and maintenance at a cost of \$6,084,520 (average salaries and benefits of \$58,505 x 104 positions). BOPP would require 83 administrative support positions at a cost of \$3,488,324 (average salaries and benefits of \$42,028 x 83 positions). Total recurring expenses for additional positions is \$82,211,079. One-time costs of \$1,281,600 for safety equipment for 1,602 positions (\$800 x 1,602).
- BOPP estimates a recurring cost of \$69,087,200 for monitoring equipment which includes passive equipment for 49,400 offenders at \$63,108,500 (\$3.50 per day x 365 days x 49,400) and active equipment for 2,600 offenders at \$5,978,700 (\$6.30 per day x 365 days x 2,600)
- BOPP currently charges offenders in the GPS program \$50 per month which would generate \$31,200,000 (\$50 x 12 months x 52,000 offenders) in revenue. Approximately 35 percent of the offenders would be exempt from this fee, resulting in \$20,280,000 actually due. BOPP estimates 20 percent collection which would result in \$4,056,000 in revenue.
- Currently, BOPP has 400 offenders on GPS supervision. In the past year, five offenders (one percent) removed the equipment. If one percent of the 52,000 offenders tampered with or removed the GPS equipment, there would be approximately 520 offenders per year who would receive a Class A misdemeanor and would serve a mandatory minimum 180 days. An increase in local expenditures of \$4,263,480 (\$45.55 x 180 days x 520 offenders).
- One-half of the 520 (260) offenders who had previously received a Class A misdemeanor would receive a Class E felony for a second or

subsequent offense of tampering with or removing a GPS device. 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 population growth of 11.78 percent over the next 10 years. Population growth will result in 27 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 287 offenders. According to DOC, the average operating cost per offender per day for calendar year 2009 is \$59.80 and the average post-conviction time served for a Class E felony is 1.63 years. The cost per offender at 1.63 years is \$35,548.11 (\$59.80 x 594.45 days). The total additional operating cost for 287 offenders is \$10,202,307.57 (\$35,548.11 x 287).

- Any impact on state trial courts can be accommodated within existing resources.

*\*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.*

*\*\*Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

## **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

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