

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 1199 - SB 1668

March 23, 2009

SUMMARY OF BILL: Increases the minimum age of the Class D felony offense of child abuse and child neglect or endangerment from six to eight years of age or younger.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$223,700/Incarceration*

Assumptions:

- Under current law, it is a Class A misdemeanor for a person knowingly to abuse or neglect a child who is under the age of 18. If the abused or neglected child is six years old or less, the penalty is a Class E felony. Currently, it is a Class A misdemeanor for a person knowingly to treat a child under the age of 18 in a manner as to inflict injury. If the abused child is six years old or less, the penalty is a Class D felony.
- According to the Department of Correction (DOC), there has been an average of 37 admissions for child abuse and neglect and three admissions for attempted child abuse and neglect when the victim is six years old or less in each of the past 10 years.
- 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 four additional offenders. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on 41 offenders serving additional time on their sentences as a result of this bill.
- According to DOC, the average operating cost per offender per day for calendar year 2009 is \$59.80. According to the Department, the average post-conviction time served for a Class E felony is 1.63 years and 2.43 years for a Class D felony. The cost per offender at 1.63 years is \$35,548.11 (\$59.80 x 594.45 days). The cost per offender at 2.43 years is \$52,995.96 (\$59.80 x 886.22 days).
- DOC estimates a 10 percent (4) increase in the number of Class D felony convictions as a result of increasing the minimum age from six to eight

years old or younger. The additional operating cost for four offenders is \$211,983.84 (\$52,995.96 x 4).

- DOC estimates a 10 percent (0.33) increase or one every three years in attempted child abuse or neglect convictions. The annualized time served per conviction is 196.17 days (0.33 x 594.45 days). The annualized cost per conviction is \$11,730.97 (\$59.80 x 196.17 days).
- Any impact on caseloads in the 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.*

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

/lsc