

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



**CORRECTED
FISCAL NOTE**

HB 1304 - SB 1653

March 31, 2010

SUMMARY OF BILL: Includes child abuse, aggravated child abuse, child neglect or endangerment, and aggravated child neglect or endangerment in the offenses ineligible for judicial diversion.

ESTIMATED FISCAL IMPACT:

On March 30, 2009, we issued a fiscal note reflecting *an increase in state expenditures of \$142,200/Incarceration*. The fiscal note has been corrected to reflect the cost per day per offender for calendar year 2010.

(CORRECTED)

Increase State Expenditures - \$114,600/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.
- DOC estimates a 10 percent (4) increase in the number of Class E felony convictions as a result of this bill. According to DOC, the average operating cost per offender per day for calendar year 2010 is \$59.86 and the average post-conviction time served for a Class E felony is 1.31 years. The cost per offender at 1.31 years is \$28,641.81 (\$59.86 x 478.48 days). The additional operating cost for four offenders is \$114,567.24 (\$28,641.81 x 4).
- 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. No significant incarceration cost increase will occur due to population growth in this period.
- Due to the small number of offenders and the relatively short time served, no recidivism discount has been applied for these Class E offenses.

- 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.

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

James W. White, Executive Director

/lsc