

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

HB 2439 - SB 2394

January 26, 2010

SUMMARY OF BILL: Defines “physical presence,” for the purpose of registering with the Tennessee Sex Offender Registry, as being in the state for two or more consecutive days and expands the definition of violent sexual offender” to include aggravated prostitution and trafficking for sexual servitude. Requires the inclusion of all pseudonyms and ethnic or tribal names with an offender’s registration as well as copies of all passports, immigration documents, and professional licensing information. Makes public an offender’s license plate, vehicle description and place of employment, including address. Requires individuals convicted of aggravated prostitution or trafficking for sexual servitude to obtain, and carry at all times, government-issued photo identification.

ESTIMATED FISCAL IMPACT:

**State Revenue – Net Impact – Not Significant/Recurring
Increase State Expenditures – \$2,000/One-Time**

**Increase Local Revenue – Not Significant/Recurring
Increase Local Expenditures – Not Significant/Recurring**

Other Fiscal Impact – According to the Tennessee Bureau of Investigation, failure to pass this legislation may result in a 10 percent decrease in Byrne Grant funding for the state of Tennessee. In federal FY10, Tennessee is eligible to receive \$50,380,636 in Byrne Grant funding.

Assumptions:

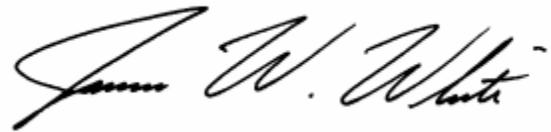
- According to the Tennessee Bureau of Investigation (TBI), there will be a one-time cost of \$2,000 to add a new crime category to the existing software used to manage the Tennessee Sexual Offender Registry. This work will be contracted outside TBI.
- The Board of Probation and Parole estimates there are less than 20 offenders incarcerated in both local jails and prisons for the offense of aggravated prostitution.
- According to the Department of Correction, there has been an average of seven admissions for aggravated rape during each of the past ten years.
- There are no data regarding the number of offenders currently incarcerated for trafficking for sexual servitude.
- The Department of Safety is responsible for providing proper identification to offenders. In the event that an offender is indigent, the department will absorb the cost to issue the required identification.

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- Identification cards cost \$9.50 and are valid for five years.
- The Department of Safety of will issue an average of four cards per year resulting in an increase in revenue of \$38.
- Twenty-five percent of offenders will not pay for the card because of indigence.
- The Department of Safety will not collect the cost of one card each year (4 x 25%) resulting in an approximate decrease in revenue of \$9.50 each year.
- The federal “Adam Walsh Child Protection and Safety Act of 2006” requires states to maintain issue photo identification cards to offenders on the registry. Section 125 of the Act subjects a state to a mandatory 10 percent reduction in Byrne grant funds if the state fails to “substantially implement” the registry requirements. According to TBI, failure to provide proper photo identification would jeopardize approximately \$5,038,063 in federal Byrne Grant funds based upon the federal FY10 funding level. (\$50,380,636 x 10%).

CERTIFICATION:

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 a long, sweeping underline.

James W. White, Executive Director

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