

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

HB 2547 - SB 2526

February 5, 2010

SUMMARY OF BILL: Creates a new Class B felony offense of legislative bribery for a member of the General Assembly to promise to vote or cast a vote for or against a general bill, resolution, or amendment in exchange for the adoption or inclusion of a benefit which accrues exclusively to all or part of the member's legislative district. Exempts offers to vote, promises to vote, or votes cast for or against any appropriation, bond, or economic development measure or to exclude or include any classification of counties in any general bill, resolution, or amendment.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$24,600 /Incarceration*

Assumptions:

- Currently it is a Class B felony for a person to bribe a public official. Bribery of a public official includes offering or conferring any pecuniary benefit to a public servant with the intent to influence the public servant's vote, opinion, or judgment. It is also a Class B felony for a public servant to accept or agree to accept a bribe.
- According to the Department of Correction (DOC), there has been an average of one admission per year for the past 10 years for bribery of a public servant and an average of one admission every other year for attempting to bribe a public servant. DOC estimates an increase of one admission every five years for the Class B felony offense of legislative bribery rather than bribery of a public servant.
- 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. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on one offender every five years.
- 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 B felony is 5.63 years (2,056.36 days). The cost per offender at 5.63 years is \$123,093.71 (2,056.36 days x \$59.86 = \$123,093.71). The annualized cost per conviction is \$24,618.74 (0.20 annual number of convictions x 2,056.36 days x \$59.86).
- Any cost for additional cases for the state trial courts can be accommodated within existing judicial resources without an increased appropriation.

*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:

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, sweeping underline.

James W. White, Executive Director

/lsc