

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

HB 3495 - SB 3699

February 15, 2010

SUMMARY OF BILL: States that when a defendant commits a homicide or assault against a pregnant woman, the fetus regardless of viability, is also considered a victim of the offense.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$71,300/Incarceration*

Assumptions:

- Currently the definition of "victim" includes a viable fetus.
- According to the Department of Correction (DOC) there has been an average of 946 admissions for aggravated assault in each of the past 10 years. DOC assumes that one-tenth of one percent of the total assaults and homicides ($946 \times 0.1\% = .95$) would meet the expanded definition of a victim. One additional offender would be sentenced to a Class C felony offense as a result of this bill.
- 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 C felony is 3.26 years (1,190.72 days). The operating cost per offender at 3.26 years is \$71,276.50 ($\$59.86 \times 1,190.72$ days).
- Any impact on the caseloads 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, reading "James W. White".

James W. White, Executive Director

/lsc

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