

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

SB 69 - HB 259

April 3, 2009

SUMMARY OF BILL: Creates a new Class E felony offense of a terroristic threat. Creates a new Class D felony offense of a terrorist act that increases to a Class A felony if the victim suffers serious physical injury as a result. Creates a Class C felony offense for a person to commit or attempt to commit a terroristic threat in retaliation for a person's participation in a court proceeding or in a bail, probation or parole hearing. Punishment increases to a Class B felony for terrorist act, rather than threat.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$31,300/Incarceration*

Assumptions:

- Many of the acts or threats listed in this bill would be considered offenses under existing criminal statutes, including but not limited to, offenses created by the Terrorism Prevention and Response Act of 2002.
- According to the Department of Correction (DOC), the average operating cost per offender per day for calendar year 2009 is \$59.80. According to DOC, the average post-conviction time served is 2.43 years for a Class D felony, 3.59 years for a Class C felony, and 6.17 years for a Class B felony. The cost per offender at 2.43 years is \$52,995.96 (\$59.80 x 886.22 days). The cost per offender at 3.59 years is \$78,426.50 (\$59.80 x 1,311.48 days). The cost per offender at 6.17 years is \$134,727.00 (\$59.80 x 2,252.96 days).
- Coercion of a witness is a Class D felony. Under this bill, the offender would receive a Class C felony for committing a terroristic act or threat with the intent to retaliate against a witness as a result of the testimony of the witness. One offender every two years would receive a Class C felony as a result of this bill. The cost of increasing the average sentence by 1.16 years (an increase from 2.43 years to 3.59 years) is \$25,430.54 (\$78,426.50 - \$52,995.96). The annualized cost per conviction is \$12,715.27 (0.50 annual number of convictions x \$25,430.54).
- Tampering with evidence is a Class C felony. Under this bill, one offender every three years would receive a Class B felony for tampering with evidence with the intent to commit a terrorist threat. The cost of

increasing the average sentence by 2.58 years (an increase from 3.59 years to 6.17 years) is \$56,300.50 (\$134,727.00 - \$78,426.50). The annualized cost per conviction is \$18,579 (\$56,300.50 x 0.33 annual number of convictions).

- 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.
- Any impact on the caseloads of state trial courts can be accommodated within existing resources without an increased appropriation or reduced reversion.

**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