

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



**CORRECTED
FISCAL NOTE**

SB 112 - HB 482

February 24, 2009

SUMMARY OF BILL: Prohibits sexual or violent sexual offenders from temporary presence on school grounds during school hours to make deliveries. Currently, such presence is exempted from the general travel and presence restrictions of these offenders. Violation is a Class E felony and offender is not eligible for suspension of sentence, diversion or probation until the minimum sentence is served in its entirety.

ESTIMATED FISCAL IMPACT:

On February 16, 2009, we issued a fiscal note indicating an *increase in state expenditures of \$7,900/Incarceration*. Based on further review and additional information provided by the Department of Correction (DOC), the fiscal impact of this bill is as follows:

(CORRECTED)

Increase State Expenditures - \$7,100/Incarceration*

Assumptions:

- Under current law, a sexual or violent sexual offender can be on school grounds to make deliveries. According to the Board of Probation and Parole, eliminating this exemption could restrict employment opportunities for these offenders while on community supervision but the impact is estimated to be not significant.
- According to the DOC, the average post-conviction time served for a Class E felony is 1.63 years. One Class E felony every five years with 1.63 years served (594.45 days). The annualized time served per conviction is 118.89 days (0.20 annual number of convictions x 594.45 days served). According to DOC, the average operating cost per offender per day for calendar year 2009 is \$59.80. The annualized cost per conviction is \$7,109.62 (118.89 days x \$59.80).
- Any impact to the court system is estimated to be not significant and can be handled within existing resources.
- No significant incarceration cost increase will occur due to population growth in this period.

SB 112 - HB 482 (CORRECTED)

*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 written in a cursive, flowing style.

James W. White, Executive Director

/lsc