

**TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE**



**FISCAL NOTE**

**SB 879 - HB 1123**

March 23, 2009

**SUMMARY OF BILL:** Increases the penalty for cock fighting from a Class A misdemeanor to a Class E felony.

**ESTIMATED FISCAL IMPACT:**

**Increase State Expenditures - \$711,000/Incarceration\***

Assumptions:

- According to the Administrative Office of the Courts, there has been an average of two state court convictions for the Class A misdemeanor for cock and animal fighting in each of the past five years. State court convictions are 10 percent of the total convictions. Total convictions, including general sessions courts, are estimated to be an average of 20 per year.
- Twenty offenders would receive a Class E felony rather than a Class A misdemeanor for cock fighting. According to the Department of Correction (DOC), the average operating cost per offender per day for calendar year 2009 is \$59.80.
- 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. Population growth will result in two additional offenders. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on 22 offenders. According to DOC, the average post-conviction time served for a Class E felony is 1.63 years. The cost per offender at 1.63 years is \$35,548.11 (\$59.80 x 594.45 days). The total additional operating cost for 20 offenders is \$710,962.20 (\$35,548.11 x 20).
- A small increase in cases in the court system, which will result in additional state and local government expenditures for processing the cases and additional state and local government revenue from fees, taxes and costs collected. These expenditures and revenue are estimated to be not significant.

*\*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, reading "James W. White". The signature is written in a cursive style with a large initial "J" and a long horizontal stroke.

James W. White, Executive Director

/lsc