

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



**CORRECTED
FISCAL NOTE**

SB 1628 - HB 2065

March 5, 2010

SUMMARY OF BILL: Limits plea bargaining by a district attorney general or assistant district attorney general with a defendant charged with DUI or a felony drug offense.

ESTIMATED FISCAL IMPACT:

On March 27, 2009, we issued a fiscal note reflecting *a not significant increase in state expenditures*. After receiving additional information from the Department of Correction, the fiscal impact of this bill is as follows:

(CORRECTED)

Decrease State Revenue - \$9,500

Increase State Expenditures – \$171,900/Incarceration*

Increase Local Revenue – Net Impact - \$74,700

Assumptions:

- The Department of Safety (DOS) estimates that 100 DUI violations for second or subsequent violations are reduced to a lesser charge such as reckless driving each year.
- The average fine for reckless driving is \$125. Five percent is allocated to county clerks and 95 percent is allocated to the state.
- Twenty percent of offenders will be indigent.
- The result will be a decrease to recurring state revenue of approximately \$9,500 [(100 reckless driving convictions x \$125 fine x 80% paid) – \$500 county clerk fee].
- Based on the estimate of 100 DUI violations for second or subsequent violations provided by DOS, the Department of Correction (DOC) estimates that five percent (5) of the total would be fourth or subsequent violations and would result in additional Class E felony 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. Population growth will result in one additional offender in the tenth year. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on six offenders.

- According to the DOC, the average operating cost per offender per day for calendar year 2010 is \$59.86.
- According to DOC, the average post-conviction time served for a Class E felony is 1.31 years (478.48 days). The cost per offender at 1.31 years is \$28,641.81 (\$59.86 x 478.48 days). The total additional operating cost for six offenders is \$171,850.86 (\$28,641.81 x 6).
- According to the DOS, the average fine for misdemeanor convictions of DUI is \$1,000 which is allocated to local government. Six offenders will be convicted of a fourth or subsequent offense resulting in felony charges; 94 will be convicted on misdemeanor charges.
- A recurring increase to local revenue of \$74,700 [(94 convictions x \$1,000 fine x 80% paid) - \$500 county clerk fee].
- Any impact on caseloads in state trial courts can be accommodated within existing judicial resources.

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