

**TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE**



**FISCAL NOTE**

**SB 2770 - HB 3077**

March 1, 2010

**SUMMARY OF BILL:** Creates a Class A misdemeanor for a person to make a false statement, not under oath, but during an official proceeding that the person knows to be false or to introduce any evidence during an official proceeding that the person knows to be false. Increases the penalty from a Class A misdemeanor to a Class E felony for perjury committed by a licensed attorney.

**ESTIMATED FISCAL IMPACT:**

**Increase State Revenue – Not Significant**

**Increase State Expenditures - \$28,600/Incarceration\***

**Increase Local Revenue – Not Significant**

**Increase Local Expenditures – Not Significant**

Assumptions:

- According to the Administrative Office of the Courts, there has been an average of four convictions for perjury 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 40 per year.
- The Department of Correction (DOC) estimates one licensed attorney per year will be charged with a Class E felony rather than a Class A misdemeanor for committing perjury.
- 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 increase in incarceration costs during this period. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on one offender.
- 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 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).
- 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.

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- Any increase in caseloads for the state trial courts can be accommodated within existing resources without an increased appropriation.
- Based on the Fiscal Review Committee's 2008 study of incarceration costs and fines, collection of fines for felony offenders is negligible. There will not be a significant increase in state revenue as a result.

*\*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, appearing to read "James W. White". The signature is fluid and cursive, with a large initial "J" and "W".

James W. White, Executive Director

/lsc