

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 1095 – HB 1946

May 11, 2011

SUMMARY OF AMENDMENT (007891): Deletes the original bill. As a condition of pretrial diversion, judicial diversion, probation, or parole, a person convicted of a theft offense may be required to perform debris removal, clean-up, restoration, or other physical labor at the location within the area of a disaster or emergency in the county where the offense occurred. The theft offense must be committed during or within 30 days of a disaster or emergency, within the area affected by the disaster or emergency, and when the property owner, as a result of the disaster or emergency, could not guard or secure the property from theft. Any period of physical labor required shall not exceed the maximum sentence authorized pursuant to Tenn. Code Ann. § 39-14-105.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures - \$498,000/Incarceration*

**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.*

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

NOT SIGNIFICANT

Assumptions applied to amendment:

- Requiring an offender to provide the necessary physical labor for emergency or disaster clean-up as a condition of pretrial diversion, judicial diversion, probation, or parole will not have a significant fiscal impact on state or local government.
- The agency currently responsible for monitoring offenders on parole, probation, or diversion will continue to monitor these offenders.

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CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "James W. White" followed by a stylized flourish.

James W. White, Executive Director

/lsc