

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 1028 – HB 1353

May 16, 2011

**SUMMARY OF AMENDMENT (00817476):** Deletes the original bill. Defines “designated entity” as any entity designated by the U.S. Department of State (DOS) as a foreign terrorist organization. Defines “expert advice or assistance” as advice or assistance derived from scientific, technical, legal or other specialized knowledge, except any legal services provided to a defendant in brought pursuant to this Act. Defines “material support or resources” as any property, tangible or intangible, or service, including currency or monetary instruments or financial securities, financial services, lodging, training, expert advice or assistance, safe houses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel of one or more individuals, including the entity, and transportation, excluding medicine or religious materials.

Increases the offense, from a Class B to a Class A felony, for anyone providing, attempting or conspiring to provide material support or resources to anyone who is known by the provider to be planning or attempting to carryout an act of terrorism in this state. Such provider must have actual knowledge that such recipient is a designated entity. Requires the District Attorney to notify the U.S. DOS and any other appropriate federal department or agency of any violation of this Act.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures/\$88,600\*

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

**Increase State Expenditures \$44,300/Incarceration\***

Assumptions applied to amendment:

- Estimate assumes one offender every five years would receive a Class A felony, rather than a Class B felony, for providing material support or resources, or attempting or conspiring to provide material support or resources to any person known by the person providing such material support or resources to be planning or carrying out an act of terrorism in this state, or concealing or attempting to escape after committing or attempting to commit an act of terrorism or to any designated entity provided the person has actual knowledge that the entity is a designated entity.

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- 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 incarceration cost increase will occur due to population growth in this period. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on one additional offender every five years.
- Due to the small number of offenders, no recidivism discount has been applied for these offenses.
- According to the Department of Correction (DOC), the average operating cost per offender per day for calendar year 2011 is \$60.62. The average post-conviction time served for a Class A felony is 16.68 years (6,092.37 days) at a cost of \$369,319.47 and 5.66 years for a Class B felony at a cost of \$125,320.94.
- Estimate assumes these offenders would serve an additional 11.02 years (an increase from 5.66 years for a Class B felony to 16.68 years for a Class A felony). The additional cost of increasing the average sentence length by 11.02 years is \$243,998.53 (\$369,319.47 - \$125,320.94). The cost in the tenth year per offender is \$221,414.55 (60.62 x 3,652.50 days). The annualized time served per conviction is 730.50 days (0.20 annual number of convictions x 3,652.50 days served). The annualized cost per conviction is \$44,282.91 (\$60.62 x 730.50 days).
- 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.
- According to the Administrative Office of the Courts, this bill could potentially result in additional cases in the criminal and civil trial and appellate courts in the state. However, such cases can be accommodated within existing resources without an increased appropriation or reduced reversion.

**CERTIFICATION:**

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



James W. White, Executive Director

/jdb