

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 2759 – HB 3082

March 16, 2012

SUMMARY OF AMENDMENT (014202): Creates the Class E felony offense of aggravated cruelty to livestock for a person who, in a depraved and sadistic manner, intentionally engages in conduct that results in serious bodily injury to the animal or the death of the animal, and is without justifiable or lawful purpose. In addition to the penalty imposed for this offense, the defendant may be held liable to the owner of the livestock for damages and to the impounding officer or agency for associated costs; may be ordered to surrender custody and forfeit all livestock animals; or may be ordered to undergo psychological evaluation and counseling. Defines “livestock” as all equine as well as animals which are being raised primarily for use as food or fiber for human utilization or consumption including, but not limited to, cattle, sheep, swine, and goats.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures - \$5,700/Incarceration*

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions applied to amendment:

- The Department of Correction (DOC) estimates one additional Class E admission every five years as a result of this bill.
- 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.
- According to DOC, the average operating cost per offender per day for calendar year 2012 is \$61.36. The average post-conviction time served for a Class E felony is 1.28 years (467.52 days) at a cost of \$28,687.03 (\$61.36 x 467.52 days). The annualized cost per offender is \$5,737.41 (0.20 annual number of convictions x \$28,687.03).

- Any increase in caseloads for state trial courts or for the District Attorney Generals Conference can be accommodated within existing resources without an increased appropriation or reduced reversion.
- Since this bill creates a new offense, no recidivism discount has been included.

**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.



Lucian D. Geise, Executive Director

/lsc