

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 3517 - SB 3412

March 27, 2012

**SUMMARY OF AMENDMENT (014717):** Deletes all language after the enacting clause. Revises the definition of fetus as a victim in the context of criminal homicide and aggravated assault offenses to remove the viability requirement and to include an embryo. Deletes “and when at the time of the criminal act the victim was pregnant” from such definitions in Tenn. Code Ann. §§ 39-13-214 and 39-13-107.

CORRECTED FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

**FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:**

**Unchanged from the corrected fiscal note.**

Assumptions applied to amendment:

- Chapter 408 of the Public Acts of 2011 broadened the offenses of aggravated assault and criminal homicide committed against a pregnant woman to include the fetus, regardless of viability, as a victim.
- The proposed legislation removes “fetus of a human being, regardless of viability of the fetus” and replaces it with a “human embryo or fetus at any stage of gestation in utero.”
- According to the Department of Health, there are distinct definitions for fetus and embryo. The embryonic period extends through the end of the eighth week. After the eighth week, the developing human is called a fetus.
- According to the Department of Correction, there will not be a significant fiscal impact to the Department as a result of the revised definitions that include embryo.
- Any increase in admissions for these offenses is estimated to be not significant and can be accommodated within existing resources without an increased appropriation of reduced reversion.

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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, appearing to read "Lucian D. Geise". The signature is fluid and cursive, with the first name "Lucian" written in a larger, more prominent script than the last name "Geise".

Lucian D. Geise, Executive Director

/lsc