

**TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE**



**FISCAL NOTE**

**HB 695 - SB 713**

March 23, 2011

**SUMMARY OF BILL:** Imposes a mandatory minimum 45-day sentence for a second violation of domestic assault and a fine of not less than \$350 nor more than \$3,500. Authorizes a court to sentence the offender to participate in a court-approved anger management and domestic violence treatment program. Imposes a mandatory minimum 120-day sentence for a third or subsequent violation of domestic assault and a fine of not less than \$1,100 nor more than \$5,000.

**ESTIMATED FISCAL IMPACT:**

**Increase State Revenue – Not Significant**

**Increase State Expenditures – Not Significant**

**Increase Local Revenue – Not Significant**

**Increase Local Expenditures - \$8,681,600\***

Assumptions:

- According to the Administrative Office of the Courts, there has been an average of 683 convictions of domestic assault 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 6,830 per year.
- Fifty-five percent (3,757) of the total Class A or Class B misdemeanors will be first-time offenders. One third (2,277) of the total will be second-time offenders and will serve a mandatory 45-day sentence. There are no data available on actual incarceration costs for local jails. According to DOC, the average county reimbursement for housing state felons for FY10-11 is \$43.85. Estimate assumes the statewide county cost for county jails is \$43.85 per offender per day. The total additional operating cost to local government for 2,277 offenders serving a mandatory 45-day sentence is \$4,493,090.25 ( $\$43.85 \times 2,277$  offenders  $\times$  45 days).
- The remaining 796 (6,830 - 3,757 - 2,277) will be third-time or subsequent violations and will serve a mandatory 120-day sentence. The total additional operating cost for county jails is \$4,188,552 ( $\$43.85 \times 796$  offenders  $\times$  120 days).
- Total additional operating cost for county jails is \$8,681,642.25 ( $\$4,493,090.25 + \$4,188,552$ ).
- Collection of fines is negligible. There will not be a significant increase in state or local revenue as a result.

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\*Article II, Section 24 of the Tennessee Constitution provides that: *No law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

**CERTIFICATION:**

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

A handwritten signature in blue ink that reads "James W. White". The signature is written in a cursive style with a large initial "J" and "W".

James W. White, Executive Director

/lsc