

**TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE**



**FISCAL NOTE**

**HB 1031 - SB 1201**

March 7, 2011

**SUMMARY OF BILL:** Elevates the current Class C felony offense of aggravated assault to a Class B felony offense where the assault results in death.

**ESTIMATED FISCAL IMPACT:**

**Increase State Expenditures - \$3,497,300/Incarceration\***

Assumptions:

- Under current law, assault that results in death may be charged, depending on the culpable mental state and circumstances surrounding the crime, as first or second degree murder, voluntary manslaughter, reckless homicide, or criminally negligent homicide. The bill would elevate some offenses that are currently prosecuted as voluntary manslaughter (Class C felony) to a Class B felony.
- According to DOC, there has been an average of 956 admissions for aggravated assault in each of the past 10 years. DOC estimates the conduct of 10 percent (96) of those would fall under the new Class B felony, with offenders serving an additional 2.43 years (5.66 years for a Class B – 3.23 years for a Class C).
- 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. Population growth will result in 11 offenders in the tenth year.
- According to the Department, 39.6 percent of offenders will re-offend within two years of their release. A recidivism discount of 39.6 percent has been applied to this estimate to account for the impact of offenders who would re-offend under current law within the additional time added by this bill. It is assumed that the repeat offender would have committed the subsequent offense at the same felony level as under current law (107 offenders x 39.6% recidivism discount = 42 offenders). The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on 65 additional offenders (107 – 42) serving an additional 2.43 years.
- According to DOC, the average operating cost per offender per day for calendar year 2011 is \$60.62. The additional cost of increasing the average sentence length by 2.43 years (887.56 days) is \$53,803.89 (\$60.62 x 887.56 days). The total additional operating cost for 65 offenders is \$3,497,252.85 (\$53,803.89 x 65).

- According to the District Attorneys General Conference, the enhancement will not significantly impact its caseloads and can be handled within existing resources.

*\*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.



James W. White, Executive Director

/lsc