

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

HB 1783 - SB 1659

March 25, 2011

SUMMARY OF BILL: Specifies that “services” in the context of theft offenses includes entertainment subscription services and that any individual who is directly or indirectly harmed by theft of services shall have standing to report the violation to law enforcement and testify in support of corresponding criminal charges. Elevates, from a Class A misdemeanor to a Class E felony, the theft of property or services valued at \$500 or less, if such offense is a second or subsequent violation after July 1, 2011, and involves theft of entertainment subscription services.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$14,100/Incarcaration*

Assumptions:

- The Department of Correction (DOC), estimates one additional Class E felony every other year for theft of entertainment subscription services.
- According to DOC, the average operating cost per offender per day for calendar year 2011 is \$60.62.
- 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 other year. The average post-conviction time served for a Class E felony is 1.27 years (463.87 days) at a cost of \$28,119.80 (\$60.62 x 463.87 days).
- The annualized time served per conviction is 231.94 days (0.50 annual number of convictions x 463.87 days served). The annualized cost per conviction is \$14,060.20 (\$60.62 x 231.94 days).

*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.

A handwritten signature in blue ink, appearing to read "James W. White". The signature is fluid and cursive, with the first name "James" written in a smaller, more compact style than the last name "White".

James W. White, Executive Director

/lsc