

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 2136 – HB 2685

March 10, 2012

SUMMARY OF BILL: Extends the statute of limitations for aggravated rape of a child, rape of a child, aggravated rape, rape, aggravated sexual battery, and sexual battery offenses committed on or after July 1, 2012, until the later of the current period or one year after the date on which the identity of the accused is established through deoxyribonucleic acid (DNA) evidence.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$1,956,100/Incarceration*

Assumptions:

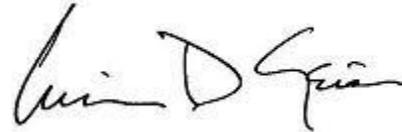
- Current law establishes specific statutes of limitations for the prosecution of felony offenses dependent upon the severity of the committed offense: 15 years for a Class A felony, 8 years for a Class B felony, 4 years for a Class C or D felony, and 2 years for a Class E felony. A person may be prosecuted, tried, and punished for an offense punishable by death or life imprisonment at any time after the offense is committed.
- The Department of Correction (DOC) estimates that this bill will result in a five percent increase in admissions for the related felony offenses. According to DOC, there has an average of 0.2 admissions for the Class A felony offense aggravated rape of a child; 58 admissions for the Class A felony offense of rape of a child; 1 admission for Class A felony offense of aggravated rape; 57 admissions for the Class B felony offense of rape; 91 admissions for the Class B felony offense of aggravated sexual battery; and 52 admissions for the Class E felony offense of sexual battery in each of the past 10 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 A felony is 15.30 years (5,588.33 days) at a cost of \$342,899.93 (\$61.36 x 5,588.33 days). The tenth-year cost is \$224,117.40 (\$61.36 x 3,652.50 days). The average post-conviction time served for a Class B felony is 5.43 years (1,983.31 days) at a cost of \$121,695.90 (\$61.36 x 1,983.31 days). 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).
- A five percent increase in the 10-year average admissions will result in four Class A offenders, eight Class B offenders, and three Class E offenders.

- 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 additional incarceration costs as a result of population growth. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on four Class A offenders, eight Class B offenders, and three Class E offenders.
- The additional operating cost for four Class A offenders is \$896,469.60 (\$224,117.40 x 4 offenders); for eight Class B offenders is \$973,567.20 (\$121,695.90 x 8 offenders); and for three Class E offenders is \$86,061.09 (\$28,687.03 x 3 offenders).
- The total additional operating cost is \$1,956,097.89 (\$896,469.60 + \$973,567.20 + \$86,061.09).
- Any increase in caseloads for state trial and appellate courts can be accommodated within existing judicial resources without an increased appropriation or reduced reversion.

**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