

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 2285 - HB 2440

February 27, 2012

SUMMARY OF BILL: Creates a Class A misdemeanor for a person, who knows or has reason to know a person is a law enforcement officer and knowingly and without the officer's permission removes, attempts to remove, or causes to be removed a chemical irritant weapon, impact weapon, handcuffs, or flex-cuffs from the possession of the officer or deprives the officer the use of the weapon or device. Creates a Class D felony for a person, who knows or has reason to know a person is a law enforcement officer and knowingly and without the officer's permission removes, attempts to remove, or causes to be removed a firearm or stun weapon from the possession of the officer or deprives the officer of the use of the weapon.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$13,800/Incarceration*

Assumptions:

- The Department of Correction (DOC) estimates one Class D felony every three years as a result of this bill.
- 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 D felony is 1.86 years (679.37 days) at a cost of \$41,686.14 ($\61.36×679.37 days). The annualized cost per offender is \$13,756.43 (0.33 annual number of convictions \times \$41,686.14).
- There will not be a sufficient number of misdemeanor prosecutions for state or local government to experience any significant increase in revenue or expenditures.
- Any impact on the caseloads for state trial or 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.

A handwritten signature in black ink, appearing to read "Lucian D. Geise". The signature is written in a cursive style with a large initial "L" and "G".

Lucian D. Geise, Executive Director

/lsc