

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 2368 - HB 2488

January 31, 2012

SUMMARY OF BILL: Adds two additional provisions by which the offense of involuntary labor servitude can be committed: facilitating or controlling a person's access to an addictive controlled substance; or controlling a person's movements through threats or violence. Raises the threshold for one provision by which the offense of involuntary labor servitude is committed to require that the offender caused or threatened to cause "serious bodily harm" rather than "physical harm" to another. Enhances the penalty, from a Class C to a Class B felony, for involuntary servitude if the victim is under the age of 13.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$18,100/Incarceration*

Assumptions:

- Currently, involuntary labor servitude is a Class C felony. The offense is punished as a Class B felony if the offense results in death or serious bodily injury of another; if the defendant has held 10 or more victims in servitude for any time; or if any victim has been held in servitude for a year or longer.
- The Department of Correction (DOC) estimates one offender every three years will be convicted of a Class B felony, rather than a Class C felony, for the offense of involuntary labor servitude and will serve additional time as a result of this bill.
- Due to the small number of offenders admitted for involuntary labor servitude felonies, the two additional provisions, punishable as Class C felonies, will not have a significant fiscal impact to DOC.
- 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, one additional offender every three years.
- Due to the small number of offenders no recidivism discount has been applied for these offenses.
- According to the DOC, the average operating cost per offender per year for calendar year 2012 is \$61.36. The average post-conviction time served for a Class C felony is 2.98 years (1,088.45 days) and 5.43 years (1,983.31 days) for a Class B felony. This bill will result in a person convicted of involuntary labor servitude offenses involving a minor serving an additional 2.45 years (5.43 years – 2.98 years).

- The additional cost of increasing the average sentence length by 2.45 years (894.86 days) is \$54,908.61 ($\61.36×894.86 days). The annualized cost per conviction is \$18,119.84 (0.33 annual number of convictions \times \$54,908.61).
- Any additional cost or impact to the caseloads of state trial courts can be accommodated within existing judicial resources without an increased appropriation or reduced reversion.
- According to the District Public Defenders Conference (DPDC), raising the threshold for the offense of involuntary labor servitude may result in fewer cases under this provision of the statute. Any decrease would be offset by the number of additional cases created under the proposed additional provisions. No significant fiscal impact to the DPDC as a result of this bill.
- According to the District Attorney Generals Conference (DAGC), there will not be a significant impact to the caseloads of the DAGC. Therefore, no significant fiscal impact to DAGC as a result of this bill.

**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