

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 3633 - HB 3738

February 19, 2012

SUMMARY OF BILL: Elevates simple possession or casual exchange of a controlled substance to a Class E felony when a person has two prior convictions for manufacturing, delivering, or selling a controlled substance or for possession with intent to manufacture, deliver, or sell a controlled substance.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$114,700/Incarceration*

Assumptions:

- According to the Department of Correction (DOC), there has been an average of 43 admissions for third offenses of simple possession or casual exchange in each of the past 10 years. DOC estimates a 10 percent increase ($43 \times 10\% = 4.3$) in Class E felony convictions as a result of this bill.
- 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 four additional offenders.
- 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 E felony is 1.28 years (467.52 days) at a cost of \$28,687.03. The total additional operating cost for four offenders is \$114,748.12 ($\$28,687.03 \times 4$ offenders).
- Any increase in caseloads for state 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 fluid and cursive, with the first name "Lucian" and last name "Geise" clearly distinguishable.

Lucian D. Geise, Executive Director

/lsc