

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 357 – SB 1037

March 17, 2013

SUMMARY OF ORIGINAL BILL: Creates a Class B felony for organ trafficking if a person recruits, entices, harbors, transports, delivers, or obtains by any means another person, intending or knowing that an organ, tissue, or other body part of such person will be removed for sale against the person's will. A person also commits the offense of organ trafficking if he or she knowingly receives anything of value, directly or indirectly, as a result of a violation of the above. Creates a Class A felony for organ trafficking against a minor.

FISCAL IMPACT OF ORIGINAL BILL:

Increased State Expenditure – \$246,900/Incarceration*

SUMMARY OF AMENDMENT (004194): Specifies that obtaining an organ must be by "force, coercion, or any other means" rather than "by any means."

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- According to the Department of Correction (DOC), it is assumed that the bill will result in one Class B felony admission and one Class A felony admission every two years.
- 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.
- According to the DOC, the average operating cost per offender per day for calendar year 2013 is \$64.17.
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9–4–210, for the newly created Class B felony is based on one offender every two years serving 5.29 years (1,932.17 days), the average time served for a Class B felony, for a total of \$61,994 [(\$64.17 x 1,932.17 days) / 2].
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9–4–210, for the newly created Class A felony is based on one offender every two years serving 15.78

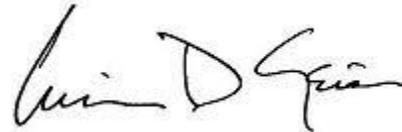
years, the average time served for a Class A felony, (5,763.65 days) for a total of \$184,927 [(\$64.17 x 5,763.65 days) / 2].

- The total increase in incarceration costs is \$246,921 (\$61,944 + \$184,927).
- The District Attorneys General Conference and the District Public Defenders Conference will be able to accommodate the minimal increase in caseloads within their existing resources.
- Any impact to the caseloads of state trial courts can be accommodated within existing judicial resources.

**Tennessee Code Annotated § 9-4-210 requires an appropriation from recurring revenues for the estimated operation cost of any law enacted after July 1, 1986 that results in a net increase in periods of imprisonment in state facilities. The amount appropriated 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

/trm