



April 3, 2013

**SUMMARY OF ORIGINAL BILL:** Adds aggravated child neglect and aggravated child endangerment to those offenses enumerated in Tenn. Code Ann. § 40-35-501(i)(2)(K) for which 100 percent of the sentence imposed must be served less any sentence credits, but no more than 15 percent of the imposed sentence may be reduced by sentence credits.

**FISCAL IMPACT OF ORIGINAL BILL:**

Increase State Expenditures – \$232,300/Incarceration\*

**SUMMARY OF AMENDMENT (006152):** Deletes all language after the enacting clause. Prohibits release eligibility for aggravated child neglect or endangerment until the offender has served 70 percent of the sentence imposed less sentence credits earned, but sentence credits cannot reduce the percent served below 55 percent.

**FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:**

**Increase State Expenditures – \$30,700/Incarceration\***

Assumptions for the bill as amended:

- According to the Department of Correction (DOC), the average operating cost per offender per day for calendar year 2013 is \$64.17.
- 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. Population growth will not affect the fiscal impact of this legislation.
- According to the DOC, there has been an average of two admissions each year for aggravated child neglect of a child less than six years of age, a Class A felony, for the past three years.
- According to the DOC, the average sentence for aggravated child neglect of a child less than six years of age is 21.5 years. The average time served for a Class A felony is 15.78 years.
- The proposed legislation would require each offender to serve no less than 55 percent of his/her sentence, or 11.83 years (21.5 years x .55 = 11.825).
- There will be no impact from requiring an offender to serve at least 55 percent of the sentence imposed for aggravated child neglect as the average offender is already serving more than 55 percent of the sentence.

- According to the DOC, there has been an average of 0.7 admissions each year for aggravated child endangerment, a Class B felony, for the past three years.
- The DOC has no data on the average sentence or the average time served for aggravated child endangerment.
- The average time served for a Class B felony is 5.29 years. It is assumed the average sentence for aggravated child endangerment is 12 years, which is the maximum sentence for a Class B, Range I offender and the minimum sentence for a Class B, Range II offender.
- The proposed legislation would require each offender to serve no less than 55 percent of his/her sentence, or 6.6 years ( $12 \text{ years} \times .55 = 6.6$ ). The result is an increase in the average time served of 1.31 years ( $6.6 \text{ years} - 5.29 \text{ years}$ ).
- A recidivism discount of 33.75 percent applies, but due to the low number of aggravated child endangerment admissions added by this legislation, the recidivism discount does not impact the incarceration cost for aggravated child endangerment under the proposed legislation.
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on one offender serving an additional 1.31 years (478.48 days) for a total of \$30,704 ( $\$64.17 \times 478.48 \text{ days}$ ).
- The total additional incarceration cost is \$30,704.
- Any increase in caseloads for the District Public Defenders Conference can be accommodated within existing resources.
- It is assumed that there will be no impact on the District Attorneys General Conference (DAGC) because of the low number of admissions each year for aggravated child neglect or endangerment. The DAGC will be able to accommodate any increase within existing resources.
- Any impact to the caseloads of state trial courts can be accommodated within existing judicial resources without an increase appropriation or reduced reversion.

*\*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

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