

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 416 – SB 1029

April 15, 2013

SUMMARY OF ORIGINAL BILL: Adds “trafficking for commercial sex acts” to the definition of “criminal gang offense” under Tenn. Code Ann. § 40-35-121(a)(3)(A).

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures – \$24,600/Incarceration*

SUMMARY OF AMENDMENT (006690): Adds “trafficking for commercial sex acts” to the definition of “criminal gang offense” under Tenn. Code Ann. § 40-35-121(a)(3)(A) as amended by SB 202 / HB 196.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

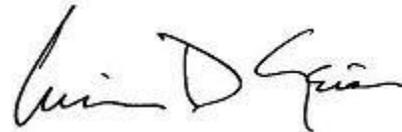
Assumptions for the bill as amended:

- If an individual commits a “criminal gang offense,” he/she is sentenced one classification higher than the classification established by the specific statute creating the offense committed. Trafficking for commercial sex acts is a Class B felony.
- According to the DOC, there has been an average of .67 admissions per year for trafficking for commercial sex acts, a Class B felony, over the last three years. It is assumed that one “criminal gang member,” as defined in Tenn. Code Ann. § 40-35-121(a)(2), every 10 years will be convicted of “trafficking for commercial sex acts,” a Class B felony, and sentenced one classification higher, a Class A felony.
- 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.
- An enhancement from a Class B felony to a Class A felony will result in an additional 10.49 years of incarceration (15.78 years, average time served for a Class A felony – 5.29 years, the average time served for a Class B felony).

- A recidivism discount of 49.11 percent applies, but due to the low number of estimated admissions added by this legislation, the recidivism discount does not impact the incarceration cost under the proposed legislation.
- According to the Department of Correction (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, is based on one offender every 10 years serving an additional 10.49 years (3,831.47 days) for a total of \$24,587 [(\$64.17 x 3,831.47 days) / 10].
- Any increase in caseloads for the District Public Defenders Conference or the District Attorneys General Conference can be accommodated within existing resources without an increased appropriation or reduced reversion.
- Any impact to the caseloads of state trial courts can be accommodated within existing judicial resources without an increase appropriation or reduced reversion.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Lucian D. Geise, Executive Director

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