

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 543 - SB 706

February 17, 2013

**SUMMARY OF BILL:** Creates a new Class C felony for knowingly using or possessing any telecommunication device while present in a correctional institution without written consent of the chief administrator of the institution.

**ESTIMATED FISCAL IMPACT:**

**Increase State Expenditures – \$35,200/One-Time**  
**\$419,800/Recurring**  
**\$150,308,200/Incarceration\***

Assumptions:

- The bill creates a Class C felony that would prohibit any person—inmate, visitor, correctional staff, etc.—from knowingly using or possessing a “telecommunication device” in a correctional facility without written consent from the chief administrator of the facility.
- It is assumed that correctional staff would have written consent to use and possess a telecommunication device in the correctional facility.
- According to the Department of Correction (DOC), there has been an average of 1,925 inmate disciplinary write-ups each year for possessing a telecommunication device over the past three years. All of these would be convicted of a Class C felony under 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. Population growth will account for 227 (1,925 x .1178) additional admissions for a total of 2,152 (1,925 + 227).
- According to the Department of Correction (DOC), the average operating cost per offender per day for calendar year 2013 is \$64.17.
- The average time served for a Class C felony is 2.98 years.
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on 2,152 offenders serving an additional 2.98 years (1,088.45 days) for a total of \$150,308,240 (2,152 x 1,088.45 x \$64.17).
- The District Attorneys General Conference (DAGC) would need additional assistant district attorneys (ADAs) to handle the number of convictions this bill would result in. It is assumed that the DAGC would require four new ADAs.

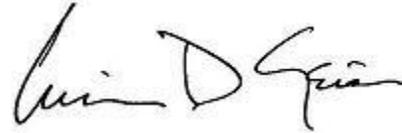
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- It is assumed that the four ADAs will be hired at entry level positions with a salary of \$40,400. It is assumed that the ADAs will each require one-time expenditures for equipment in the amount of \$4,400 each.
- The bill will result in a one-time expenditure of \$17,600 ( $\$4,400 \times 4$ ) and increased expenditures of \$209,886  $\{[\$40,400 \text{ salary} + (\$40,400 \times .1503 \text{ benefits}) + \$5,999.28 \text{ insurance}] \times 4\}$ .
- The District Public Defenders Conference (DPDC) would need additional public defenders to handle the number of indictments this bill would result in. It is assumed that the DPDC would require four new public defenders.
- It is assumed that the new public defenders will be hired at entry level positions with a salary of \$40,400. It is assumed that the public defenders will each require one-time expenditures for equipment in the amount of \$4,400 each.
- The bill will result in a one-time expenditure of \$17,600 ( $\$4,400 \times 4$ ) and increased expenditures of \$209,886  $\{[\$40,400 \text{ salary} + (\$40,400 \times .1503 \text{ benefits}) + \$5,999.28 \text{ insurance}] \times 4\}$ .

*\*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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