

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 2090 - HB 1972

February 17, 2014

**SUMMARY OF BILL:** Prohibits any sexual offender from knowingly establishing a primary or secondary residence or any other living accommodation, knowingly obtain sexual offender treatment or attend a sexual offender treatment program or knowingly accept employment within 1,000 feet of the property line of any public, private or parochial school, licensed day care center, other child care facility, public park, playground, recreation center or public athletic field available for use by the general public. This act shall take effect July 1, 2014.

**ESTIMATED FISCAL IMPACT:**

**Increase State Expenditures - \$15,900/Incarceration\***

Assumptions:

- Currently, this rule only applies to those sexual offenders whose victims were minors.
- Expanding the law to apply to all sexual offenders will result in additional prison admissions.
- According to the Sexual Offender Registry, the total number of sexual offenders whose victims were minors is 13,140. The total number of sexual offenders in the state is 20,170.
- According to statistics kept by the Department of Correction (DOC), the 5-year average for a Class E felony for an admission relative to home and work restrictions is 1.2 admissions per year.
- With 1.2 admissions per year, only .0091 percent ( $1.2 / 13,140$ ) of sexual offenders are convicted violating work and residency restrictions.
- It is estimated that there will be an additional 0.64 offenders [ $(20,170 \times .0091 \%) - 1.2$ ] as a result of this legislation. The proposed legislation will result in one additional 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. Population growth will not affect the fiscal impact of this legislation.
- The average time served for a Class E felony is 1.31 years.
- A recidivism discount of 32.03 percent applies, but due to the low number of admissions added by this legislation, the recidivism discount does not impact the incarceration cost for the proposed legislation.

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- According to the DOC, the average operating cost per offender per day for calendar year 2014 is \$66.29.
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on one offender every two years serving 1.31 years (478.48 days) for an annualized total of \$15,859.22 [(\$66.29 x 478.48 days) / 2].
- The proposed legislation will only create one new felony case every other year. It is assumed that any impact on the caseloads of the courts, district attorneys, and public defenders can be accommodated within existing 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

/jdb