

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 754 – SB 1160

April 11, 2015

SUMMARY OF ORIGINAL BILL: Removes aggravated prostitution from the crimes for which an offender must register as a sex offender. Requires the court to order a person convicted of aggravated prostitution to complete a 10-year period of probation.

FISCAL IMPACT OF ORIGINAL BILL:

Decrease State Revenue –\$900/TBI

Increase State Expenditures – Not Significant

Decrease Local Revenue – \$1,800

SUMMARY OF AMENDMENT (006133): Deletes all language after the enacting clause.

Authorizes a person on the sex offender registry because of a conviction for aggravated prostitution, and only aggravated prostitution, to file a petition with the sentencing court for termination of the registration requirement based on the person's status as a victim of a human trafficking offense, sexual offense, or domestic abuse.

The court must give the prosecuting district attorney at least 30 days-notice before conducting a hearing on the petition. The district attorney must conduct a criminal history check to determine whether the person has been convicted of a sexual offense or violent sexual offense during the period the person was on the sexual offender registry. The district attorney shall report its findings to the court.

The petition may be filed any time following a verdict or finding of guilty. If the petition is filed prior to the sentencing hearing, then the sentencing hearing and the hearing on the petition shall be combined.

If the district attorney's report indicates that the person has been convicted of a sexual offense or violent sexual offense while mandated to comply with the sex offender registry requirements, then the court shall deny the petition. Otherwise, the court shall conduct a hearing on the petition.

If the petition is denied, then the person is prohibited from filing another petition for a period of three years.

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If the court determines (1) that the person was a victim of a human trafficking offense, a sexual offense, or domestic abuse and (2) that the person should not be required to comply with the requirements of the sex offender registry, then the court shall grant the petition.

If the petition is granted, then the person shall file a request for termination of registration with the Tennessee Bureau of Investigation.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Decrease State Revenue –\$400/TBI

Increase State Expenditures – Not Significant

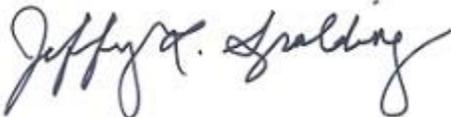
Decrease Local Revenue – \$900

Assumptions for the bill as amended:

- Under current law, all registrants on the sex offender registry must pay a \$150 annual fee. The proposed legislation would have those convicted of aggravated prostitution enter a probation program rather than register on the sex offender registry. This will result in a loss of revenue as those individuals will no longer have to pay the annual fee.
- According to statistics from the Department of Correction (DOC), there has been an average of 8.8 admissions for aggravated prostitution each year for the past 10 years. That is 88 admissions for every 10-year period. This is approximately the current number of 86 registrants on the sex offender registry for aggravated prostitution. It is assumed there constantly remains an average of 88 registrants for aggravated prostitution each year.
- It is assumed that one-half (44) of these individuals are victims of a human trafficking offense, a sexual offense, or domestic abuse.
- It is assumed the proposed legislation would result in 44 registrants per year being on probation rather than on the sex offender registry.
- One hundred dollars of the annual fee goes to the agency with which the offender registered. It is assumed that each of the 44 registrants will register with his/her local law enforcement agency. Fifty dollars of the \$150 fee goes to the TBI.
- According to the TBI, the collection rate for aggravated prostitution registrants was 14 percent (12/86) in 2014. It is assumed the annual collection rate for aggravated prostitution registrants is 20 percent.
- The proposed legislation would result in a decrease of state revenue totaling \$440 ($\$50 \times 44 \times .20 = \440).
- The proposed legislation would result in a decrease of local revenue totaling \$880 ($\$100 \times 44 \times .20$).
- The proposed legislation will result in approximately 8.8 additional probationers annually. According to the DOC, taking on the additional probationers each year can be handled within the DOC's existing resources.

CERTIFICATION:

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



Jeffrey L. Spalding, Executive Director

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