

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 1925 – HB 2141

February 23, 2016

SUMMARY OF ORIGINAL BILL: Creates an exception to the drug-free school zone statute, Tenn. Code Ann. § 39-17-432, for violations that occur when the school has not been in session for at least five consecutive days.

FISCAL IMPACT OF ORIGINAL BILL:

Decrease State Expenditures – \$415,600/Incarceration*

SUMMARY OF AMENDMENT (012428): Deletes all language after the enacting clause and rewrites the bill.

Limits application of the enhancement under Tenn. Code Ann. § 39-17-432 (drug-free school zone) to defendants that were knowingly on the grounds or facilities of any school or within 1,000 feet of a public or private elementary school, middle school, secondary school, preschool, child care agency, or public library, recreational center or park.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Decrease State Expenditures – \$201,900/Incarceration*

Assumptions for the bill as amended:

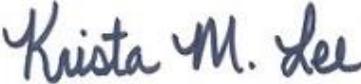
- Tennessee Code Annotated § 39-17-432 enhances any violation of Tenn. Code Ann. § 39-17-417 committed within a drug-free school zone one classification higher than is provided in Tenn. Code Ann. § 39-17-417. Tennessee Code Annotated § 39-14-432 does not require the defendant to know that he or she was within the drug-free school zone when the offense was committed. *See State v. Smith*, 48 S.W.3d 159, 169 (Tenn. Crim. App. 2000).
- The bill as amended would limit enhancement of violations of Tenn. Code Ann. § 39-17-417 within a drug-free school zone to defendants who knew that they were within the drug-free school zone.

- The bill as amended will decrease the number of offenders whose sentences would be enhanced under current law.
- Statistics from the Department of Correction (DOC), indicate that the following annual admissions relate to drug offenses committed within a drug-free school zone:
 - Class A felony – 9.4;
 - Class B felony – 14.7;
 - Class C felony – 9.8; and
 - Class D felony – 0.8.
- Under the bill as amended, any admissions impacted by the legislation will be punished one classification lower than under current law.
- It is assumed that one Class A felony every two years, two Class B felonies every three years, one Class C felony every two years, and one Class D felony every 10 years will be impacted by this legislation.
- The average time served for a Class A felony is 17.35 years and 6.59 years for a Class B felony. The bill as amended will result in one offender every two years serving 10.76 fewer years (17.35 – 6.59), or 3,930.09 fewer days, than the offender would under current law.
- According to the DOC, the average operating cost per offender per day for calendar year 2016 is \$67.73.
- The bill as amended will decrease annual incarceration costs by \$133,092.50 [(3,930.09 x \$67.73) / 2].
- The average time served for a Class B felony is 6.59 years and 3.22 years for a Class C felony. The bill as amended will result in two offenders every three years serving 3.37 fewer years (6.59 – 3.22), or 1,230.89 fewer days, than the offender would under current law.
- The bill as amended will decrease annual incarceration costs by \$55,578.79 [(1,230.89 x \$67.73) x 2 felonies] / 3 years}.
- The average time served for a Class C felony is 3.22 years and 2.32 years for a Class D felony. The bill as amended will result in one offender every two years serving 0.9 years (3.22 – 2.32), or 328.73 fewer than the offender would under current law.
- The bill as amended will decrease annual incarceration costs by \$11,132.44 [(328.73 x \$67.73) / 2].
- The average time served for a Class D felony is 2.32 years and 1.47 years for a Class E felony. The bill as amended will result in one offender every ten years serving 0.85 years (2.32 – 1.47), or 310.46 fewer than the offender would under current law.
- The bill will decrease annual incarceration costs by \$2,102.75 [(310.46 x \$67.73) / 10 years].
- The total recurring decrease in incarceration costs is estimated to be \$201,906.48 (\$133,092.50 + \$55,578.79 + \$11,132.44 + \$2,102.75).

*Tennessee Code Annotated, Section 9-4-210, requires that: *For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues 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.



Krista M. Lee, Executive Director

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