

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 1455 – SB 2244

March 13, 2016

SUMMARY OF ORIGINAL BILL: Creates a new Class E felony for knowingly possessing, using, or controlling a vehicle with a compartment designed to hide contraband with the intent of storing, concealing, or transporting contraband in the compartment.

Creates a new Class C felony for knowingly facilitating the storage, concealment, or transportation of contraband by designing, building, installing, or attaching such a compartment in a vehicle for contraband.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures – \$377,500/Incarceration*

SUMMARY OF AMENDMENT (013564): Deletes and rewrites the bill such that the substantive changes are as follows:

Removes the Class C felony offense for knowingly facilitating the storage, concealment, or transportation of contraband by designing, building, installing, or attaching such a compartment in a vehicle for contraband.

Deletes the provision permitting a jury to infer a defendant's intent to commit the offense if the person was in possession or, using, or controlling a vehicle with a compartment that contained contraband.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Increase State Expenditures – \$218,200/Incarceration*

Assumptions for the bill as amended:

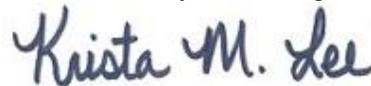
- The bill as amended is substantially similar to a law passed in Utah in 2008. However, Fiscal Review staff could not find any relevant data on the number of persons convicted under the statute in that state.

- Transporting contraband via hidden compartments in vehicles is a growing problem in the United States. Todd F. Prough & Robert Veiga, *Investigation and Prosecuting Hidden-Compartment Cases*, FBI LAW ENFORCEMENT BULLETIN (Oct. 2010), <https://leb.fbi.gov/2010/october/investigating-and-prosecuting-hidden-compartment-cases>.
- It is assumed that the bill as amended will result in five additional Class E felony admissions each year.
- According to the Department of Correction, the average operating cost per offender per day for calendar year 2016 is \$67.73.
- 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 one (5 x .1178) additional Class E felony admission for a total of six (5 + 1).
- The average time served for a Class E felony is 1.47 years, or 536.92 days.
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on six offenders serving 1.47 years (536.92 days) for a total of \$36,365.59 (\$67.73 x 536.92 days). The cost for six offenders is \$218,193.55 (\$36,365.59 x 6).
- The bill as amended will create six new felony cases per year. It is assumed that the courts, district attorneys, and public defenders can handle the impact within their 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.



Krista M. Lee, Executive Director

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