

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL MEMORANDUM**

**HB 1705 – SB 1865**

March 28, 2016

**SUMMARY OF ORIGINAL BILL:** Provides release eligibility to a person sentenced to imprisonment for life for first degree murder after 30 full calendar years if the person committed the murder when he or she was less than 18 years of age.

**FISCAL IMPACT OF ORIGINAL BILL:**

Decrease State Expenditures – \$52,000/Incarceration\*

**SUMMARY OF AMENDMENT (014999):** Deletes all language after the enacting clause.

Deletes Section 1 of the bill which changed the instructions given to a jury in a first degree murder case.

Provides that any defendant to whom the legislation would apply can request the Department of Correction (DOC) to recalculate the defendant's release eligibility based on the provisions of the bill as amended.

**FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:**

**Unchanged from the original fiscal note.**

Assumptions for the bill as amended:

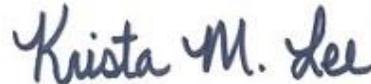
- Tennessee Code Annotated § 40-35-501 requires anyone convicted of first degree murder to serve no less than 85 percent of the sentence received. A person convicted of first degree murder and sentenced to imprisonment for life is eligible for parole, or release eligible, after the person serves 51 full calendar years (60 years x 85% = 51).
- The bill as amended provides release eligibility for any person convicted of first degree murder and sentenced to imprisonment for life after 30 full calendar years if the person was less than 18 years of age when the person committed the murder.

- The Tennessee Council of Juvenile and Family Court Judges' 2014 Annual Juvenile Court Statistical Report indicates that 49 juveniles were referred to juvenile courts for first degree murder in 2014.
- The report further indicates that 0.23 percent of matters are transferred to circuit or criminal court for the juvenile to be tried as an adult. It is assumed that 0.11 (49 x 0.23%) or one juvenile every 10 years is convicted of first degree murder and sentenced to imprisonment for life.
- It is assumed that the bill as amended will result in one offender every 10 years being released 21 years (51 – 30) earlier than the offender would be released under current law.
- According to the DOC, 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 not affect the fiscal impact of this legislation.
- A recidivism discount does not apply because the bill as amended will decrease time served.
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on one offender every 10 years serving 21 fewer years (7,670.25 days) for an annualized decrease in state incarceration costs of \$51,950.60 [(\$67.73 x 7,670.25 days) / 10].
- The bill as amended will neither increase nor decrease the caseloads of the courts, district attorneys, or public defenders. Any impact can be accommodated within existing resources.
- The Administrative Office of the Courts, the District Attorneys General Conference, and the District Public Defenders Conference confirm that any impact 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.



Krista M. Lee, Executive Director

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