

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 401 - SB 1156

February 21, 2015

SUMMARY OF BILL: Prohibits anyone convicted of or who pleads guilty to vehicular homicide by intoxication, Tenn. Code Ann. § 39-13-213(a)(2), from being eligible for probation. Every offender sentenced for vehicular homicide must serve 100 percent of the sentence received.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures – \$2,378,000/Highest Projected Cost of Next 10 Years/Incarceration*

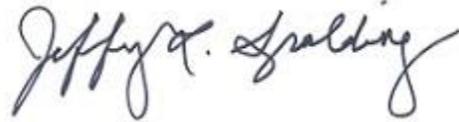
Assumptions:

- Statistics from the Department of Correction (DOC) show a 10-year average of 35.6 admissions per year for vehicular homicide by intoxication, a Class B felony.
- Data from the U.S. Census Bureau shows 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 four (35.6 x .1178) additional admissions for vehicular homicide by intoxication resulting in a total of 40 (35.6 + 4) admissions.
- Statistics from the DOC show that the average sentence received by someone convicted of vehicular homicide is 9.67 years and the average time served by someone convicted of vehicular homicide is 4.74 years. The bill will result in each person convicted of vehicular homicide by intoxication serving an additional 4.93 years (9.67 average sentence received for vehicular homicide by intoxication – 4.74 average time served for vehicular homicide by intoxication = 4.93 years).
- According to the DOC, the average operating cost per offender per day for calendar year 2015 is \$66.03.
- The DOC reports that 49.1 percent of offenders will re-offend within three years of their release. A recidivism discount of 49.1 percent has been applied to this estimate to account for the impact of offenders who would re-offend under current law within the additional time added by this bill. It is assumed that the re-offender would have committed the subsequent offense at the same felony level as under current law (40 offenders x .491 = 20 offenders).
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on 20 offenders [40 offenders – 20 (recidivism discount)] serving an additional 4.93 years (1,800.68 days) for a total of \$118,898.90 (\$66.03 x 1,800.68 days). The cost for 20 offenders is \$2,377,978 (\$118,898.90 x 20).

**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.

A handwritten signature in black ink that reads "Jeffrey L. Spalding". The signature is written in a cursive style with a large initial "J" and a long, sweeping underline.

Jeffrey L. Spalding, Executive Director

/trm