

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 2367 - SB 2413

February 28, 2016

SUMMARY OF BILL: Provides release eligibility to persons sentenced to imprisonment for life after serving 60 percent of 60 years, but in no case less than 25 consecutive years, rather than 100 percent of the sentence received. Requires the Department of Correction (DOC) to provide notice to affected inmates. Requires an inmate to execute a written request for eligibility.

ESTIMATED FISCAL IMPACT:

**Decrease State Expenditures –
\$1,484,300/Incarceration*/FY21-22 and Subsequent Years**

Assumptions:

- Public Chapter 591 of the Acts of 1989 (PC 591) enacted the Tennessee Criminal Sentencing Reform Act of 1989 (SRA). The effective date of the SRA was November 1, 1989.
- The SRA established, under Tenn. Code Ann. § 40-35-501, that anyone sentenced to imprisonment for life for first degree murder would be eligible for release after serving 60 percent of 60 years (36 years), but in no event would one be eligible before serving at least 25 full calendar years.
- Public Chapter 492 of the Acts of 1995 (PC 492) added a subsection to Tenn. Code Ann. § 40-35-501 that enumerated certain offenses, for which anyone sentenced for those offenses after July 1, 1995, that must serve 100 percent of the sentence received, could be reduced up to 15 percent for sentencing credits. The enumerated list includes first degree murder. PC 492 requires one convicted of first degree murder to serve at least 51 years before becoming eligible for release.
- The bill would permit inmates sentenced to imprisonment for life after July 1, 1995, to become eligible for release under PC 591 (60 percent of 60 years, or 36 years) rather than under PC 492 (100 percent, but no less than 85 percent, or 51 years).
- However, the first inmate that could possibly be released under the bill would not be eligible for release until July 1, 2020 (July 1, 1995 + 25 years). It is assumed that the bill will decrease state incarceration costs beginning in FY21-22.
- Statistics from the DOC show a 10-year average of 70.9 admissions per year for first degree murder. Beginning July 1, 2021, it is assumed that five percent ($70.9 \times 0.05 = 3.55$) of the inmates per year will be released.

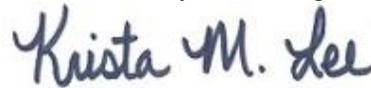
HB 2367 - SB 2413

- The bill will result in each affected inmate serving 15 fewer years (51 years – 36 years), or 5,478.75 fewer days, than the inmate would under current law.
- According to the Department of Correction (DOC), the average operating cost per offender per day for calendar year 2016 is \$67.73.
- The bill will decrease recurring state incarceration costs by an estimated \$1,484,302.95 (4 x 5,478.75 days x \$67.73) beginning in FY21-22.

**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

/trm