

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



**CORRECTED
FISCAL NOTE**

SB 35 - HB 576

March 16, 2015

CORRECTED 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.

ESTIMATED FISCAL IMPACT:

On February 17, 2015, a fiscal note was issued estimating the impact as follows:

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

Upon further review, this impact was in error. The estimated fiscal impact is:

(CORRECTED)

Increase State Expenditures – \$57,200/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.
- Under current law, a person is eligible for probation if the sentence actually imposed is less than 10 years.
- 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 average person convicted of vehicular homicide by intoxication is eligible for probation. It is assumed that one person every two years is convicted of vehicular homicide by intoxication and receives probation. The bill will result in one person every two years serving 4.74 years that would otherwise receive probation.
- According to the DOC, the average operating cost per offender per day for calendar year 2015 is \$66.03.
- Population growth and recidivism will not impact this bill due to the low number of admissions affected.

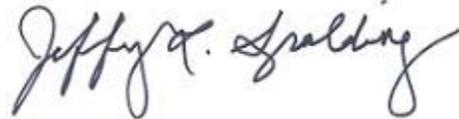
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- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on one offender every two year serving 4.74 years (1,731.29 days) for an annualized total of \$57,159 [(\$66.03 x 1,731.29 days) / 2].
- The bill does not create any new cases for the courts, district attorneys, or public defenders. It affects sentencing procedures. It is assumed that the courts, district attorneys, and public defenders can accommodate any 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.



Jeffrey L. Spalding, Executive Director

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