

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**SB 470 - HB 882**

March 11, 2015

**SUMMARY OF BILL:** Increases the penalty for sexual exploitation of a minor from a Class D felony to a Class C felony if the prosecution proves the actual identity or age of a minor.

**ESTIMATED FISCAL IMPACT:**

**Increase State Expenditures – \$27,500 Highest Projected Cost of Next 10 Years/Incarceration\***

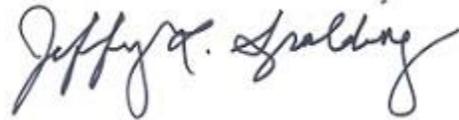
Assumptions:

- Under current law, the State does not have to prove either the identity or the age of a minor in any materials or images used in a sexual exploitation case. The jury may consider the physical development, expert medical testimony, and other relevant evidence in determining whether the material or image otherwise represents or depicts a minor participant.
- The bill will increase sexual exploitation of a minor from a Class D felony to a Class C felony if the State can prove the actual identity or age of a child depicted in materials and images used in such case.
- Statistics from the Department of Correction (DOC) show that there has been an average of 9.2 admissions each year for the past 10 years for sexual exploitation of a minor. It is assumed that the bill will result in 10 percent ( $9.2 \times .1 = .92$ ) of these admissions being increased to a Class C felony.
- 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.
- The average time served for a Class C felony is 3.18 years. The average time served for a Class D felony is 2.04 years. The bill will result in one offender serving an additional 1.14 years ( $3.18 - 2.04$ ).
- A recidivism discount of 42.92 percent applies, but due to the low number of admissions added by this legislation, the recidivism discount does not impact the incarceration cost for the proposed legislation.
- According to the DOC, the average operating cost per offender per day for calendar year 2015 is \$66.03.

- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on one offender serving an additional 1.14 years (416.39 days) for a total of \$27,494 (\$66.03 x 416.39 days).
- The bill will not create any new felony cases, but will increase the felony classification. The impact to the caseloads of the Administrative Office of the Courts, the District Attorney Generals Conference, and the District Public Defenders Conference will not be significant. Any impact to their operations can be handled within their existing resources.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.



Jeffrey L. Spalding, Executive Director

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