

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 1449 - HB 1880

March 4, 2016

**SUMMARY OF BILL:** Creates a new Class C felony for assaulting a “public servant”.

Defines “public servant” as a law enforcement officer, firefighter, medical fire responder, paramedic, emergency medical technician, health care provider, or any other first responder.

Deletes Tenn. Code Ann. § 39-13-102(e)(1)(B), which enhances the fine for any aggravated assault committed against public servants as defined by the bill.

**ESTIMATED FISCAL IMPACT:**

**Increase State Expenditures – \$8,045,500/Incarceration\***

Assumptions:

- Tennessee Code Annotated § 39-13-101 punishes assault as a Class A misdemeanor if it is committed intentionally, knowingly, or recklessly and causes bodily injury, or if it is committed intentionally or knowingly and causes another to reasonably fear imminent bodily injury. Tenn. Code Ann. § 39-13-101 punishes assault as a Class B misdemeanor if it is committed intentionally or knowingly and causes physical contact with another and a reasonable person would regard the contact as extremely offensive or provocative.
- The bill will enhance any assault to a Class C felony, if it is committed against a law enforcement officer, firefighter, medical fire responder, paramedic, emergency medical technician, health care provider, or any other first responder.
- Statistics from the United States Department of Justice’s Unified Crime Report 2013 *Law Enforcement Officers Killed & Assaulted* ([https://www.fbi.gov/about-us/cjis/ucr/leoka/2013/tables/table\\_71\\_leos\\_asltd\\_region\\_geographic\\_division\\_and\\_state\\_by\\_type\\_of\\_weapon\\_2013.xls](https://www.fbi.gov/about-us/cjis/ucr/leoka/2013/tables/table_71_leos_asltd_region_geographic_division_and_state_by_type_of_weapon_2013.xls)) indicate that 1,704 law enforcement officers were assaulted in Tennessee in 2013. Statistics from the Bureau of Labor Statistics indicate that 73 healthcare workers were assaulted in 2014.
- It is assumed that 10 percent of these assaults  $[(1,704 + 73) \times 0.1 = 177.7]$  will result in Class C felony admissions into DOC’s custody.
- The average time served for a Class C felony is 3.22 years (1,176.11 days).
- 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

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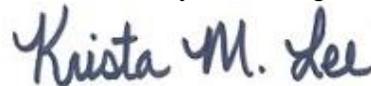
percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. Population growth will account for 21 (177.7 x .1178) additional admissions for a total of 199 (178 + 21).

- According to the DOC, 49.2 percent of offenders will re-offend within three years of their release. A recidivism discount of 49.2 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 (199 offenders x .492 = 98 offenders).
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on 101 offenders (199 offenders – 98 recidivism discount) serving an additional 3.22 years (1,176.11 days) for a total of \$79,657.93 (\$67.73 x 1,176.11 days). The cost for 101 offenders is \$8,045,450.96 (\$79,657.93 x 101).
- The bill will create 178 felony cases each year. However, it will also decrease misdemeanor cases by 178 cases. This represents approximately six cases per judicial district (178 cases / 31 judicial districts = 5.74 cases per district). It is assumed that the courts, district attorneys, and public defenders can handle the impact to their caseloads within their existing resources.
- Based on the Fiscal Review Committee's 2008 study of incarceration costs and fines and the Administrative Office of the Courts' (AOC) 2012 study on collection of court costs, fees, and fines, collection of fines for felony offenses is negligible. There will not be a significant decrease in revenue as a result of deleting the enhanced fine provision in Tenn. Code Ann. § 39-13-102(e)(1)(B).

*\*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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