

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**HB 1597 - SB 2583**

February 17, 2018

**SUMMARY OF BILL:** Enhances the penalty for knowingly selling or installing a counterfeit or nonfunctional vehicle airbag system from a Class A misdemeanor to a Class E felony and broadens the offense to apply to the manufacturing, importing, installing, reinstalling, distributing, selling, or offering for sale of the device in lieu of an airbag.

**ESTIMATED FISCAL IMPACT:**

**Increase State Expenditures – \$34,100 Incarceration\***

Assumptions:

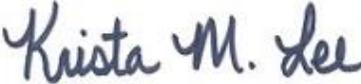
- Tennessee Code Annotated § 55-9-108 establishes a Class A misdemeanor for knowingly installing or reinstalling any object in lieu of an airbag in a vehicle.
- The proposed legislation adds definitions to Tenn. Code Ann. § 55-9-108 relative to airbags and restraint systems, broadens the offense to apply to the manufacturing, importing, installing, reinstalling, distributing, selling, or offering for sale of a device in lieu of an airbag, and enhances the classification from a class A misdemeanor to a class E felony.
- Statistics from the Administrative Office of the Courts show no convictions under Tenn. Code Ann. § 55-9-108.
- However, the proposed legislation broadens the scope of conduct prohibited under Tenn. Code Ann. § 55-9-108. The proposed legislation will result in one admission per year.
- The average time served for a class E felony is 1.31 years.
- According to the Department of Correction, the average operating cost per offender per day for calendar year 2018 is \$71.08.
- Population growth and recidivism will not impact these admissions.
- The average maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on one offender serving 1.31 years (478.48 days) at a cost of \$34,010 (\$71.08 x 478.48 days).
- Any impact to the caseloads of the courts, public defenders, and district attorneys can be accommodated within 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.*

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**CERTIFICATION:**

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

Handwritten signature of Krista M. Lee in blue ink.

Krista M. Lee, Executive Director

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