

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 748 - HB 1250

February 25, 2019

SUMMARY OF ORIGINAL BILL: Enhances the penalty for criminal impersonation of a law enforcement officer to a Class D felony. Imposes a minimum fine of \$2,500 if the offense occurred while operating a motor vehicle.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures – \$123,000 Incarceration*

Decrease Local Expenditures – \$3,500

SUMMARY OF AMENDMENT (004581): Adds language to the bill to specify that a person commits criminal impersonation of a law enforcement officer when such person pretends, with intent to injure or defraud another person, to be a law enforcement officer for the purpose of engaging in a law enforcement-related activity and causing another to believe that such a person is a law enforcement officer.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Based on information provided by the Administrative Office of the Courts, there has been an average of 7.2 convictions each year over the last five years at the state court level for violations of Tenn. Code Ann. § 39-16-301. It is assumed that only 10 percent of misdemeanor convictions are at the state court level. As a result, it is estimated that there are a total of 72 convictions ($7.2 / 10\% = 72$) per year for misdemeanor violations of Tenn. Code Ann. § 39-16-301.
- Tenn. Code Ann. § 39-16-301 establishes a Class A misdemeanor for criminal impersonation of a law enforcement officer and criminal impersonation of an active duty member or veteran of uniformed service.
- It is estimated that 50 percent, or 36 ($72 \times 50\%$), of convictions result from criminal impersonation of a law enforcement officer.

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- Ten percent of individuals convicted of a Class A misdemeanor for criminal impersonation of a law enforcement officer are assumed to be spending an average of 15 days in local jail.
- The average cost to local governments to house an inmate in a local jail facility is \$64 per day.
- The total decrease in local incarceration expenditures resulting from the proposed legislation is estimated to be \$3,456 (36 convictions x 10% serving time x \$64 cost per day x 15 days).
- This analysis assumes that most persons convicted get probation. It is further assumed that only 10 percent (36 x 10.0% = 3.6) of such convictions will result in admissions into Department of Correction (DOC) custody each year.
- Population growth will not impact these admissions.
- According to the DOC, 41.7 percent of offenders will re-offend within two years of their release. A recidivism discount of 41.7 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 legislation. It is assumed that the re-offender would have committed the subsequent offense at the same felony level as under current law (3 offenders x .417 = 1 offender).
- The average time served for a Class D felony is 2.3 years.
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on two (3 offenders – 1 recidivism discount) offenders admitted every year serving an additional 2.3 years (840.08 days) for an annualized increase in state incarceration expenditures of \$122,954 (\$73.18 x 840.08 x 2).
- Based on the Fiscal Review Committee's 2008 study and the Administrative Office of the Courts' 2012 study on collection of court costs, fees, and fines, collection in criminal cases is insignificant. The proposed legislation will not significantly increase local revenue.

*Tennessee Code Annotated, Section 9-4-210, requires that: *For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues 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 Lee Carsner, Executive Director

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