

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 156 - SB 264

March 6, 2019

**SUMMARY OF ORIGINAL BILL:** Creates a Class E felony offense for tampering with, destroying, or interfering with any pipeline, pumping station, or equipment used to transport, store, or distribute crude or refined liquid petroleum products or natural gas.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures – \$3,400 Incarceration\*

**SUMMARY OF AMENDMENT (004943):** Deletes all language after the enacting clause. Creates the offense of critical infrastructure vandalism and punishes such offense as theft as graded as Tenn. Code Ann. § 39-14-105, with the minimum punishment of a Class E felony.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

**Increase State Expenditures – \$34,200 Incarceration\***

**Decrease Local Expenditures – \$1,000**

Assumptions for the bill as amended:

- The proposed legislation defines critical infrastructure as the infrastructure of the following services to the general public:
  - Telephone, telegraph, television, internet, or other telecommunication services
  - Electric, heat, natural gas, or other power or energy services
  - The distribution of crude or refined liquid petroleum products or natural gas, and the pipelines, plumbing stations, terminals, and equipment necessary for operation of the facility
  - Water, wastewater or sewer services
  - Railroads and other transportation services
- The proposed legislation will result in one Class E felony admission each year.
- The average time served for a Class E felony is 1.28 years.

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- According to the DOC, the average operating cost per offender per day for calendar year 2019 is \$73.18.
- Population growth and recidivism will not impact these admissions.
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on one offender admitted every year serving 1.28 years (467.52 days) for an annualized increase in state incarceration expenditures of \$34,213 (\$73.18 x 467.52 days).
- This analysis assumes the individual charged with critical infrastructure vandalism are being charged with Class A misdemeanor offenses under current law.
- This analysis assumes individuals convicted of a Class A misdemeanor are 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.
- Enhancing such offense to a Class E felony will result in a recurring mandatory decrease in local expenditures estimated to be \$960 (1 admission x 15 days x \$64).
- The courts, public defenders, and district attorneys can accommodate any impact within their existing resources. Any impact to the court system is estimated to be not significant.

*\*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

/amj