

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 407 - SB 425

March 11, 2019

**SUMMARY OF ORIGINAL BILL:** Prohibits an individual, required to register pursuant to the Tennessee Sexual Offender and Violent Sexual Offender Registration, Verification, and Tracking Act of 2004 (SORA), whose victim was a minor, from conducting an overnight visit at a residence in which a minor resides or is present. Extends, from 1,000 feet to 2,000 feet, the distance from certain places where children are frequently present and from the residence of any victim, that an individual required to register pursuant to SORA is restricted from establishing a primary or second residence or from accepting employment.

FISCAL IMPACT OF ORIGINAL BILL:

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

**SUMMARY OF AMENDMENT (005284):** Deletes all language after the enacting clause. Prohibits an individual, required to register pursuant to the Tennessee Sexual Offender and Violent Sexual Offender Registration, Verification, and Tracking Act of 2004 (SORA), whose victim was a minor, from conducting an overnight visit at a residence in which a minor resides or is present.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Increase State Expenditures – \$11,400 Incarceration\*

Assumptions for the bill as amended:

- Pursuant to Tenn. Code Ann. § 40-39-211(f), a residential or work restriction violation of the SORA is a Class E felony.
- Based on information provided by the Department of Correction, there has been an average of 10.8 admissions for residential or work restriction violations of the SORA each year over the last five years.
- This proposed legislation will result in one Class E admission for a residential or work restriction violation of SORA every three years.
- The average time served for a Class E felony is 1.28 years.

HB 407 - SB 425

- Population growth and recidivism will not impact these admissions.
- According to the DOC, the average operating cost per offender per day for calendar year 2019 is \$73.18.
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on one offender admitted every three years serving an additional 1.28 years (467.52 days) for an annualized increase in state incarceration expenditures of \$11,404 [(\$73.18 x 467.52) / 3].
- 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