



February 8, 2020

**SUMMARY OF ORIGINAL BILL:** Enhances the penalty for reckless endangerment committed by discharging a firearm into a group of two or more people from within or into a motor vehicle. Expands reckless endangerment committed with a deadly weapon to include the use of a motor vehicle operated with intent to annoy, harass, molest, intimidate, injure or obstruct another person. Requires defendants convicted of reckless endangerment committed with a deadly weapon to complete an anger management program. Enhances punishment for reckless endangerment constituting an act of community terrorism.

**FISCAL IMPACT OF ORIGINAL BILL:**

Increase State Expenditures – \$68,700 Incarceration\*

**SUMMARY OF AMENDMENT (014391):** Deletes and rewrites the bill such that the substantive changes are to: (1) remove mandatory fines associated with certain reckless endangerment offenses; (2) revise the process for issuance of a driver license for individuals convicted of such offenses; (3) specify that the offense of reckless endangerment may be committed individually or in concert with another person; and (4) change the effective date to July 1, 2020.

**FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:**

**Increase State Expenditures – \$65,500 Incarceration\***

Assumptions for the bill as amended:

- Pursuant to Tenn. Code Ann. § 39-13-103, reckless endangerment committed with a deadly weapon is a Class E felony.
- The proposed legislation enhances the penalty for reckless endangerment committed by discharging a firearm into a group of two or more people from within or into a motor vehicle to a Class C felony, revokes or prevents issuance of a driver license for a period of five years from the date of conviction of such offense, and authorizes a defendant to apply to the Department of Safety (DOS) for reinstatement or issuance of a driver license after the expiration of the five-year period.

- Based on information provided by the Department of Correction (DOC), there has been an average of 108.2 admissions each year over the last five years for reckless endangerment involving a deadly weapon.
- The proposed legislation will result in the enhancement of one admission every year for reckless endangerment committed by discharging a firearm into a group of two or more people from within or into a motor vehicle.
- The average time served for a Class E felony is 1.35 years. The average time served for a Class C felony is 3.50 years. The proposed legislation will result in each admission serving an additional 2.15 years (3.50 – 1.35).
- Population growth and recidivism will not impact these admissions.
- According to the DOC, the average operating cost per offender per day for calendar year 2020 is \$75.52.
- Pursuant to Tenn. Code Ann. § 9-4-210, one offender will be admitted every year serving 785.29 days (2.15 x 365.25). The annualized increase in state incarceration expenditures is estimated to be \$59,305 (\$75.52 x 785.29 x 1).
- The proposed legislation will result in one Class E felony admission every 10 years for endangerment committed with a deadly weapon to include the use of a motor vehicle.
- Pursuant to Tenn. Code Ann. § 9-4-210, one offender will be admitted every 10 years serving 493.09 days (1.35 x 365.25). The annualized increase in state incarceration expenditures is estimated to be \$3,724 (\$75.52 x 493.09 / 10).
- Based on information provided by the Department of Safety, any impact to the Department resulting from driver license revocation and issuance is estimated to be not significant.
- This analysis assumes any fees associated with attending an anger management program will be paid by the defendant.
- The proposed legislation defines community terrorism as an offense committed against a population within a geographic territory by members of a criminal gang that regularly engages in gang-related conduct or has a pattern of criminal gang activity and the commission of the offense is gang-related.
- The proposed legislation enhances reckless endangerment committed with a deadly weapon with the threat of use of a firearm constituting an act of community terrorism by one classification to a Class D felony.
- The proposed legislation enhances reckless endangerment committed by discharging a firearm into unoccupied habitation by two classifications to a Class B felony and reckless endangerment committed by discharging a firearm into a habitation or into a group of two or more people from within or into a motor vehicle by two classifications to a Class A felony.
- The proposed legislation will result in the enhancement of one reckless endangerment committed with a deadly weapon constituting an act of community terrorism with the threat of use of a firearm every 10 years.
- The average time served for a Class E felony is 1.35 years. The average time served for a Class D felony is 2.26 years. The proposed legislation will result in each admission serving an additional .91 years (2.26 – 1.35).

- Pursuant to Tenn. Code Ann. § 9-4-210, one offender will be admitted every 10 years serving an additional 332.38 days (.91 x 365.25). The annualized increase in state incarceration expenditures is estimated to be \$2,510 ( $\$75.52 \times 332.38 / 10$ ).
- Any impact resulting from specifying that the offense of reckless endangerment may be committed individually or in concert with another person is estimated to be not significant.
- The total recurring increase in state incarceration expenditures resulting from the proposed legislation is estimated to be \$65,539 ( $\$59,305 + \$3,724 + \$2,510$ ).
- 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