



SB 2257 - HB 2339

March 3, 2020

SUMMARY OF ORIGINAL BILL: Requires a Department of Correction (DOC) prisoner with an active detainer commitment in another jurisdiction to be considered for parole once the prisoner has served a period of time greater than 50 percent of combined state sentences in order to begin service of the term of imprisonment in the outside jurisdiction if the outlined criteria are met.

FISCAL IMPACT OF ORIGINAL BILL:

Decrease State Expenditures – Exceeds \$519,300 Incarceration*

SUMMARY OF AMENDMENT (015181): Deletes and replaces all language after the enacting clause. Creates a presumption that a prisoner who reaches the release eligibility date (RED) for the prisoner's combined state sentences and has an active detainer commitment to serve a term of imprisonment in a foreign jurisdiction, is required to be granted parole in order to begin service of the term of imprisonment if certain criteria are met.

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 DOC, there are 153 offenders currently in DOC custody with an average remaining sentence of 3.99 years that would be immediately eligible for parole with a detainer commitment under the proposed legislation.
- This analysis estimates at least 10 percent, or 15 (153 x 10%), of eligible offenders have outstanding sentence lengths exceeding 3.99 years and will be paroled with a detainer commitment to an outside jurisdiction every 10 years.
- According to the DOC, the average operating cost per offender per day for calendar year 2020 is \$75.52.
- The proposed legislation will result in a decrease in state incarceration expenditures estimated to be \$1,650,883 [$\$75.52 \times (3.99 \times 365.25) \times 15$].

- Pursuant to Tenn. Code Ann. § 9-4-210, incarceration expenditures are estimated over the course of a 10 year period; therefore, the annualized decrease in expenditures to currently incarcerated individuals estimated to exceed \$165,088 ($\$1,650,883 / 10$).
- The average number of offenders that became eligible for parole with a detainer for commitment from a jurisdiction outside of Tennessee each year over the last three years is 29.33.
- The average sentence remaining for such offenders was 4.28 years.
- This analysis estimates 10 percent, or 3 ($29.33 \times 10\%$), eligible offenders have outstanding sentences exceeding 4.28 years and will be paroled with a detainer commitment to an outside jurisdiction.
- Population growth and recidivism will not impact these admissions.
- Pursuant to Tenn. Code Ann. § 9-4-210, three offenders will serve 1,563.27 fewer days (4.28×365.25). The annualized decrease in state incarceration expenditures is estimated to be \$354,174 ($\$75.52 \times 1,563.27 \times 3$).
- The total annualized decrease in state incarceration expenditures resulting from the proposed legislation is estimated to exceed \$519,262 ($\$165,088 + \$354,174$).

*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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