



May 28, 2020

SUMMARY OF ORIGINAL BILL: Enhances the punishment for assault by one classification if the assault is committed against a first responder.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures – \$5,399,500 Incarceration*

Decrease Local Expenditures – \$184,300/FY20-21 and Subsequent Years

SUMMARY OF AMENDMENT (017785): Adds language to the original bill to refer to the proposed legislation as the “Officer Kenny Moats Assault Act”. Changes the effective date from July 1, 2020 to October 1, 2020.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Increase State Expenditures – \$5,399,500 Incarceration*

**Decrease Local Expenditures – \$138,200/FY20-21
\$184,300/FY21-22 and Subsequent Years**

Assumptions for the bill as amended:

- Based on data obtained through the Tennessee Bureau of Investigation (TBI) Tennessee Incident Based Reporting System (TIBRS), in 2018 there were 396 arrests for simple assault against law enforcement officer or government employee that resulted in an injury.
- This analysis assumes 48.6 percent, or 192 (396 x 48.6%), of arrests resulted in Class A misdemeanor convictions.
- Based on population data from the U.S. Census Bureau, population growth in Tennessee averaged 0.81 percent per year for each of the past 10 years (from 2008 to 2018), yielding a projected compound population growth rate of 8.37 percent. Assuming Tennessee's population continues growing by the same rates over the next 10-year period, population growth will account for 16 (192 x 8.37%) additional admission for a total of 208 (192 + 16).

- According to the DOC, 30.4 percent of offenders will re-offend within one year of their release. A recidivism discount of 30.4 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 the proposed legislation. It is assumed that the re-offender would have committed the subsequent offense at the same felony level as under the proposed legislation (208 offenders x 30.4% = 63 offenders).
- According to the DOC, the average operating cost per offender per day for calendar year 2020 is \$75.52.
- The average time served for a Class E felony is 1.35 years.
- Pursuant to Tenn. Code Ann. § 9-4-210, 145 (208 – 63 recidivism discount) offenders will be admitted every year serving 493.09 days (1.35 x 365.25). The annualized increase in state incarceration expenditures is estimated to be \$5,399,533 (\$75.52 x 493.09 x 145).
- This analysis assumes offenders are spending an average of 15 days in local jail for such Class A misdemeanor convictions.
- The average cost to local governments to house an inmate in a local jail facility is \$64 per day.
- The proposed legislation is effective October 1, 2020, which is approximately 75 percent of FY20-21; therefore, the estimated impact to local government represents 75 percent of FY20-21 and 100 percent of FY 21-22 and subsequent years.
- The proposed legislation will result in a decrease in local incarceration expenditures estimated to be \$138,240 [(\$64 x 192 offenders x 15 days) x 75%] in FY20-21 and \$184,320 (\$64 x 192 offenders x 15 days) in FY21-22 and subsequent years.

**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