



June 2, 2020

SUMMARY OF ORIGINAL BILL: Enhances the penalty for intentional failure to report child sexual abuse.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures – \$68,400 Incarceration*

SUMMARY OF AMENDMENT (018062): Deletes all language after the enacting clause. Revises the penalty for knowing failure to make a required child abuse report and the penalty for any person required to report known or suspected child sexual abuse who knowingly fails to do so, or who knowingly prevents another person from doing so. Effective October 1, 2020.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Increase State Expenditures – \$7,500 Incarceration*

Assumptions for the bill as amended:

Failure to report child abuse

- Public Chapter 499 (2019) enhanced second or subsequent offenses for knowingly failing to make a report of child abuse required by Tenn. Code Ann. § 37-1-403 to a Class E felony and the intentional failure to make such a report to a Class E felony.
- The proposed legislation enhances the penalty for the first offense of knowingly failing to report suspected child abuse required by Tenn. Code Ann. § 37-1-403(a)(3) to a Class E felony.
- Based on information provided by the Administrative Office of the Courts, there has been an average of 2.4 misdemeanor convictions under Tenn. Code Ann. § 37-1-412 each year over the last five years. This analysis assumes that only 10 percent of misdemeanor convictions are at the state court level. As a result, it is estimated that there are a total of 24 convictions ($2.4 / 10\% = 24$) per year for misdemeanor violations of Tenn. Code Ann. § 37-1-412.

- Enhanced penalties for knowing failure to report suspected child abuse will result in one admission every 10 years.
- The average time served for a Class E felony is 1.35 years.
- 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 10 years serving an additional 493.09 days (1.35 x 365.25). The annualized increase in state incarceration expenditures is estimated to be \$3,724 ($\$75.52 \times 493.09 / 10$).

Failure to report child sex abuse

- Public Chapter 499 (2019) enhanced the penalty for second and subsequent offenses of persons required to report known or suspected sexual abuse that knowingly and willfully fail to report or knowingly prevent another person from doing so to a Class E felony and persons required to report known or suspected sexual abuse that intentionally fail to report or intentionally prevent another person from doing so to a Class E felony.
- The proposed legislation enhances the penalty for the first offense of persons required to report known or suspected sexual abuse that knowingly and willfully fail to report or knowingly prevent another person from doing so to a Class E felony.
- Based on information provided by the Administrative Office of the Courts, there has been an average of .8 misdemeanor convictions under Tenn. Code Ann. § 37-1-615 each year over the last five years. This analysis assumes that only 10 percent of misdemeanor convictions are at the state court level. As a result, it is estimated that there are a total of 8 convictions ($.8 / 10\% = 8$) per year for misdemeanor violations of Tenn. Code Ann. § 37-1-615.
- Enhanced penalties for knowingly and willfully failing to report known or suspected child sex abuse by persons required to support such abuse will result in one admission every 10 years.
- Population growth and recidivism will not impact these admissions.
- Pursuant to Tenn. Code Ann. § 9-4-210, one offender will be admitted every 10 years serving an additional 493.09 days (1.35 x 365.25). The annualized increase in state incarceration expenditures is estimated to be \$3,724 ($\$75.52 \times 493.09 / 10$).

Total Impact

- The total recurring increase in state incarceration expenditures resulting from the proposed legislation is estimated to be \$7,448 ($\$3,724 + \$3,724$).
- There will not be a sufficient change in the number of misdemeanor prosecutions for the state or local government to experience any significant change in revenue or expenditures.
- The courts, district attorneys, and public defenders will not experience an increase in caseloads; therefore, 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

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