

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 852 - SB 1277

February 22, 2019

SUMMARY OF BILL: Enhances the punishment of a second and subsequent animal cruelty violation and an animal cruelty violation involving five or more animals to a Class C felony with a minimum sentence of 180 days.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures – \$20,800 Incarceration*

Assumptions:

- Pursuant to Tenn. Code Ann. § 39-14-212(d), aggravated cruelty to animals is a Class E felony. The average number of days served for a Class E felony is 1.28 years.
- Based on information provided by the Department of Correction (DOC), there has been an average of 4.6 admissions per year for aggravated cruelty to animals each year over the last five years.
- The proposed legislation will result in one aggravated cruelty to animals conviction being enhanced two classifications every three years.
- Population growth and recidivism will not impact these admissions.
- The average number of days served for a Class C felony is 3.62 years. While this legislation requires a minimum sentence of 180 days, it is assumed these offenders will serve the average number of days for a Class C felony.
- The proposed legislation will result in each admission serving an additional 2.34 years (3.62 – 1.28).
- 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 2.34 years (854.69 days) for an annualized increase in state incarceration expenditures of \$20,849 [(\$73.18 x 854.69 days) / 3].

*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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