

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 876 - SB 842

April 22, 2019

SUMMARY OF BILL: Establishes parole eligibility after 30 years from the date of sentencing for a person that committed a crime as a juvenile that resulted in a sentence exceeding 30 years, excluding a sentence of life without the possibility of parole. Establishes parole eligibility after 20 years for such individuals if certain criteria are met.

Prohibits a sentence of imprisonment for life without the possibility of parole on or after July 1, 2019, for a person that was less than 18 years of age at the time of the commission of the crime.

ESTIMATED FISCAL IMPACT:

Decrease State Expenditures – \$3,608,400 Incarceration*

Assumptions:

- Tennessee Code Annotated § 40-35-501 requires anyone convicted of first degree murder to serve no less than 85 percent of the sentence received. A person convicted of first degree murder and sentenced to imprisonment for life is eligible for parole, or release eligible, after the person serves 51 full calendar years (60 years x 85.0% = 51).
- Based on information provided by the Department of Correction (DOC), there have been 46 juvenile admissions over the past 10 years, or an average of 5 juveniles per year (46 / 10), with sentences greater than 30 years, the majority of which are serving life sentences with parole eligibility.
- The proposed legislation establishes parole eligibility after 30 years for individuals that were juveniles at the time of the commission of the crime that were sentenced to more than 30 years in prison and parole eligibility after 20 years for such individuals that: (1) obtained a HiSet® credential or if deemed incapable, an alternate program; (2) participated in one or more job training programs, if available; (3) demonstrated positive work habits and good behavior; (4) complied with treatment and rehabilitation services recommended by DOC; and (5) provided proof of good character, rehabilitation, and maturity.
- Based on the DOC 2018 Statistical Abstract, 86.5 percent of inmates are in job, rehabilitative, and educational programs.
- This analysis estimates that 86.5 percent of eligible admissions will qualify for a parole hearing 20 years after the date of sentencing; and that 60 percent, or 3 inmates (5 x 60%)

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per year, will meet the requirements to be released after 20 years after their sentencing date.

- According to the DOC, the average operating cost per offender per day for calendar year 2019 is \$73.18.
- The proposed legislation will result in a recurring decrease in state incarceration expenditures estimated to be \$2,485,797 [$\$73.18 \times (51 - 20) \times 365.25$ days per year x 3].
- This analysis estimates the remaining 40 percent, or 2 inmates (5 x 40%) per year, will be released 30 years after their sentencing date.
- The proposed legislation will result in a recurring decrease in state incarceration expenditures estimates to be \$1,122,618 [$\$73.18 \times (51 - 30) \times 365.25$ days per year x 2].
- The total recurring decrease in state incarceration expenditures resulting from the proposed legislation is estimated to be \$3,608,415 ($\$2,485,797 + \$1,122,618$).

**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