

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 1478 - SB 1315

March 11, 2019

**SUMMARY OF BILL:** Enhances the penalty for reckless endangerment committed by discharging a firearm into a group of two or more people from within or into a motor vehicle. Expands reckless endangerment committed with a deadly weapon to include the use of a motor vehicle operated with intent to annoy, harass, molest, intimidate, injure or obstruct another person. Requires defendants convicted of reckless endangerment committed with a deadly weapon to complete an anger management program. Enhances punishment for reckless endangerment constituting an act of community terrorism.

**ESTIMATED FISCAL IMPACT:**

**Increase State Expenditures – \$68,700 Incarceration\***

Assumptions:

- Pursuant to Tenn. Code Ann. § 39-13-103, reckless endangerment committed with a deadly weapon is a Class E felony.
- The proposed legislation enhances the penalty for reckless endangerment committed by discharging a firearm into a group of two or more people from within or into a motor vehicle to a Class C felony, revokes or prevents issuance of a driver license for a period of five years from the date of conviction of such offense, and authorizes a defendant to apply to the court for issuance of a restricted license upon release from confinement, and if granted, to pay a \$65 application fee to the Department of Safety (DOS) for a restricted driver license.
- Based on information provided by the Department of Correction (DOC), there has been an average of 104.4 admissions each year over the last five years for reckless endangerment involving a deadly weapon.
- The proposed legislation will result in the enhancement of one admission every year for reckless endangerment committed by discharging a firearm into a group of two or more people from within or into a motor vehicle.
- The average time served for a Class E felony is 1.28 years. The average time served for a Class C felony is 3.62 years. The proposed legislation will result in each admission serving an additional 2.34 years (3.62 – 1.28).
- Population growth and recidivism will not impact these admissions.
- According to the DOC, the average operating cost per offender per day for calendar year 2019 is \$73.18.

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- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on one offender admitted every year serving an additional 2.34 years (854.69 days) for an annualized increase in state incarceration expenditures of \$62,546 ( $\$73.18 \times 854.69$ ).
- The proposed legislation will result in one Class E felony admission every 10 years for endangerment committed with a deadly weapon to include the use of a motor vehicle.
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on one offender admitted every 10 years serving 1.28 years (467.52 days) for an annualized increase in state incarceration expenditures of \$3,421 [ $(\$73.18 \times 467.52) / 10$ ].
- Based on information provided by the Department of Safety, any impact to the Department resulting from driver license revocation and issuance of restricted driver licenses is estimated to be not significant.
- This analysis assumes any fees associated with attending an anger management program will be paid by the defendant.
- The proposed legislation defines community terrorism as an offense committed against a population within a geographic territory by members of a criminal gang that regularly engages in gang-related conduct or has a pattern of criminal gang activity and the commission of the offense is gang-related.
- The proposed legislation enhances reckless endangerment committed with a deadly weapon with the threat of use of a firearm constituting an act of community terrorism by one classification to a Class D felony.
- The proposed legislation enhances reckless endangerment committed by discharging a firearm into unoccupied habitation by two classifications to a Class B felony and reckless endangerment committed by discharging a firearm into a habitation or into a group of two or more people from within or into a motor vehicle by two classifications to a Class A felony.
- The proposed legislation will result in the enhancement of one reckless endangerment committed with a deadly weapon constituting an act of community terrorism with the threat of use of a firearm every 10 years.
- The average time served for a Class E felony is 1.28 years. The average time served for a Class D felony is 2.30 years. The proposed legislation will result in each admission serving an additional 1.02 years ( $2.30 - 1.28$ ).
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on one offender admitted every 10 years serving an additional 1.02 years (372.56 days) for an annualized increase in state incarceration expenditures of \$2,726 [ $(\$73.18 \times 372.56) / 10$ ].
- The total recurring increase in state incarceration expenditures resulting from the proposed legislation is estimated to be \$68,693 ( $\$62,546 + \$3,421 + \$2,726$ ).
- Based on the Fiscal Review Committee's 2008 study and the Administrative Office of the Courts' 2012 study on collection of court costs, fees, and fines, collection in criminal cases is insignificant. The proposed legislation will not significantly increase state or local revenue.
- 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.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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