



January 21, 2020

SUMMARY OF BILL: Expands the offense of a property owner, occupant or other person having a lawful right to the exclusive use and enjoyment of property that knowingly allows an underage adult to consume alcoholic beverages, wine or beer on such property to include all minors. Enhances the penalty for social hosts providing alcoholic beverages, wine or beer to minors.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$37,200 Incarceration*

Assumptions:

- Pursuant to Tenn. Code Ann. § 39-15-404(a)(3)(A), an underage adult is a person who is at least 18 years of age but is less than 21 years of age.
- Pursuant to Tenn. Code Ann. § 39-15-404(b), a minor is a person under 21 years of age.
- The proposed legislation defines a social host as a person who by express will, or implied invitation, invites one or more persons to the person's residence or onto property for which the person has the lawful right of exclusive use and enjoyment for purposes of a social gathering.
- Pursuant to Tenn. Code Ann. § 39-15-404(a)(3)(B), it is a Class A misdemeanor offense for a property owner, occupant or other lawful dweller to knowingly allow an underage adult to consume alcoholic beverages, wine or beer on such property.
- The proposed legislation expands such offenses to include minors and enhances such offenses to a Class E felony offense for social hosts.
- Based on information provided by AOC, there has been an average of 4 Class A misdemeanor convictions for offenses under § 39-15-404 each year over the past three 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 40 convictions ($4 / 10\% = 40$) per year for misdemeanor violations of Tenn. Code Ann. § 39-15-404.
- This analysis estimates that one offense will be enhanced to a Class E felony each year.
- According to the DOC, the average operating cost per offender per day for calendar year 2020 is \$75.52.
- Population growth and recidivism will not impact these admissions.
- Pursuant to Tenn. Code Ann. § 9-4-210, one offender will be admitted every year serving 493.09 days (1.35×365.25). The annualized increase in state incarceration expenditures is estimated to be \$37,238 ($\$75.52 \times 493.09 \times 1$).

- This analysis assumes that any decrease in local expenditures resulting from the enhancement of Class A misdemeanor offenses to Class E felony offenses will be offset by an increase in additional Class A misdemeanor offenses resulting from the expansion of the offense. Any impact to local government 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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