



February 18, 2020

**SUMMARY OF BILL:** Creates a Class D felony offense for the sexual abuse of a corpse. Creates a Class C felony offense for the aggravated sexual abuse of a corpse. Requires persons convicted of such offenses to register pursuant to the Tennessee Sexual Offender and Violent Sexual Offender Registration, Verification and Tracking Act of 2004 (Act).

**ESTIMATED FISCAL IMPACT:**

**Increase State Expenditures – \$8,400 Incarceration\***

Assumptions:

- This analysis assumes individuals would be convicted of the Class E felony offense of abuse of a corpse in Tenn. Code Ann. § 39-17-312 under current law.
- Based on information provided by the Department of Correction (DOC), there has been an average of one admission for abuse of a corpse each year over the last three years.
- The proposed legislation will result in one Class E abuse of a corpse admission being enhanced one classification every 10 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.
- The average time served for a Class E felony is 1.35 years. The average time served for a Class D felony is 2.26 years. The draft legislation will result in each admission serving an additional .91 years (2.26 – 1.35).
- Pursuant to Tenn. Code Ann. § 9-4-210, one offender will be admitted every 10 years serving an additional 332.38 days (.91 x 365.25). The annualized increase in state incarceration expenditures is estimated to be \$2,510 (\$75.52 x 332.38 / 10).
- The proposed legislation will result one Class E abuse of a corpse admission being enhanced two classifications every 10 years.
- The average time served for a Class E felony is 1.35 years. The average time served for a Class C felony is 3.50 years. The draft legislation will result in each admission serving an additional 2.15 years (3.50 – 1.35).
- Pursuant to Tenn. Code Ann. § 9-4-210, one offender will be admitted every 10 years serving an additional 785.29 days (2.15 x 365.25). The annualized increase in state incarceration expenditures is estimated to be \$5,931 (\$75.52 x 785.29 / 10).
- The proposed legislation will result in a recurring increase in state incarceration expenditures estimated to be \$8,441 (\$2,510 + \$ 5,931).

- Any impact to the Tennessee Bureau of Investigation resulting from requiring individuals to register under the Act 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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