

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 1802 - SB 2000

January 30, 2020

**SUMMARY OF BILL:** Expands the offense of aggravated rape to include unlawful sexual penetration accompanied by the administration of a controlled substance or narcotic drug to an unknowing victim for the purpose of rendering the victim unconscious or incapacitated.

**ESTIMATED FISCAL IMPACT:**

**Increase State Expenditures – \$336,800 Incarceration\***

Assumptions:

- This analysis assumes defendants would be charged with the offense of rape under current law.
- Pursuant to Tenn. Code Ann. § 39-13-503(b), rape is a Class B felony offense.
- Pursuant to Tenn. Code Ann. § 39-13-502(b), aggravated rape is a Class A felony offense.
- The proposed legislation will lead to one Class B felony rape offense being enhanced to a Class A felony aggravated rape offense each year.
- 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 B felony is 6.48 years. The average time served for a Class A felony is 18.69 years. The draft legislation will result in each admission serving an additional 12.21 years (18.69 – 6.48).
- Pursuant to Tenn. Code Ann. § 9-4-210, one offender will be admitted every year serving an additional 4,459.70 days (12.21 x 365.25). The annualized increase in state incarceration expenditures is estimated to be \$336,797 (\$75.52 x 4,459.70 x 1).

\*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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