



February 3, 2020

SUMMARY OF BILL: Expands the offense of vehicular homicide to include the reckless killing of another person by the operation of an automobile, airplane, motorboat, or other motor vehicle as the proximate result of: (1) the use of a wireless telecommunications device to write, send, or read an electronic message; or (2) driving at a speed of more than 15 miles per hour over the speed limit.

Authorizes a victim representative of an identifiable victim who suffered death as a result of a felony to read a victim impact statement in court.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures – \$1,008,200 Incarceration*

Assumptions:

Vehicular Homicide

- Based on data in the *National Highway Traffic Safety Administration Motor Vehicle Crash Data Querying and Reporting System*, the average number of speeding fatal motor vehicle crashes in Tennessee each year over the last four years was 141.8 and the average number of distracted fatal motor vehicle crashes in Tennessee each year over the last four years was 78.5.
- This analysis assumes 10 percent, or 22 [(141.8 + 78.5) x 10%], of speeding and distracting fatalities will result in a vehicular homicide conviction.
- This analysis assumes individuals committing such offenses are sentenced to Class E felonies under current law.
- The proposed legislation specifies vehicular homicide by use of a telecommunications device or speeding is a Class C felony offense.
- Based on population data from the U.S. Census Bureau, population growth in Tennessee averaged 0.81 percent per year for each of the past 10 years (from 2008 to 2018), yielding a projected compound population growth rate of 8.37 percent. Assuming Tennessee's population continues growing by the same rates over the next 10-year period, population growth will account for two (22 x 8.37%) additional admission for a total of 24 (22 + 2).
- According to the Department of Correction (DOC), 30.4 percent of offenders will re-offend within one year of their release. A recidivism discount of 30.4 percent has been applied to this estimate to account for the impact of offenders who would re-offend

under current law within the additional time added by this bill. It is assumed that the re-offender would have committed the subsequent offense at the same felony level as under current law (24 offenders x 30.4% = 7 offenders).

- 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 C felony is 3.5 years. The draft legislation will result in each admission serving an additional 2.15 years (3.5 – 1.35).
- Pursuant to Tenn. Code Ann. § 9-4-210, 17 offenders (24 offenders – 7 recidivism discount) will be admitted every year serving an additional 785.29 days (2.15 x 365.25). The annualized increase in state incarceration expenditures is estimated to be \$1,008,187 (\$75.52 x 785.29 x 17).

Victim Impact Statements

- Pursuant to Tenn. Code Ann. § 40-38-204(a), if a defendant is convicted of a felony involving one or more identifiable victims who suffered death or physical, emotional or financial injury, the DOC is required to notify the victim or the victim representative of the opportunity to present a victim impact statement.
- Any impact to the court system resulting from allowing a victim representative to read a victim witness impact statement in court 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.



Krista Lee Carsner, Executive Director

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