



February 26, 2020

SUMMARY OF BILL: Enhances the penalty for failure of a driver involved in an accident resulting in an injury of any person to immediately stop the vehicle at the scene of the accident or as close to the scene as possible when the driver should have known or reasonably known that the accident resulted in an injury.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures – \$1,117,100 Incarceration*

Decrease Local Expenditures – \$38,400/FY20-21 and Subsequent Years

Assumptions:

- Based on information provided by the Administrative Office of the Courts (AOC), there have been an average of 40 Class A misdemeanor convictions under Tenn. Code Ann. § 55-10-101 each year over the last five 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 400 convictions ($40 / 10\% = 400$) per year for misdemeanor violations of Tenn. Code Ann. § 55-10-101.
- This analysis assumes 10 percent, or 40 ($400 \times 10\%$), of current Class A misdemeanor convictions will be enhanced to Class E felony convictions and result in state incarceration.
- 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 three ($40 \times 8.37\%$) additional admissions for a total of 43 ($40 + 3$).
- According to the 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 the proposed legislation. It is assumed that the re-offender would have committed the subsequent offense at the same felony level as under the proposed legislation ($43 \text{ offenders} \times 30.4\% = 13 \text{ offenders}$).
- The average time served for a Class E felony offense is 1.35 years.

- According to the DOC, the average operating cost per offender per day for calendar year 2020 is \$75.52.
- Pursuant to Tenn. Code Ann. § 9-4-210, 30 (43 – 13 recidivism discount) offenders will be admitted every year serving 493.09 days (1.35 x 365.25). The annualized increase in state incarceration expenditures is estimated to be \$1,117,145 (\$75.52 x 493.09 x 30).
- This analysis assumes individuals convicted of a Class A misdemeanor for failure of a driver involved in an accident resulting in an injury to stop are spending an average of 15 days in local jail.
- The average cost to local governments to house an inmate in a local jail facility is \$64 per day.
- Enhancing failure of a driver involved in an accident resulting in an injury to stop to a Class E felony offense will result in a recurring decrease in local incarceration expenditures in FY20-21 and subsequent fiscal years estimated to be \$38,400 (40 admissions x 15 days x \$64).

**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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