

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 35 - HB 135

February 19, 2019

SUMMARY OF BILL: Creates a Class C felony offense of reckless endangerment by discharging a firearm into a parade, religious service, concert, athletic event, political event, educational event, or into any other group of 25 or more people who are lawfully assembled.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures – \$376,900 Incarceration*

Assumptions:

- Based on information provided by the Department of Correction (DOC), there has been an average of 104.4 convictions of reckless endangerment involving a deadly weapon per year over the last five years.
- Pursuant to Tenn. Code Ann. § 39-13-103(b)(2), reckless endangerment committed with a deadly weapon is a Class E felony. The average time served for a Class E felony is 1.28 years.
- The average time served for a Class C felony as proposed by this legislation is 3.62 years. The proposed legislation will result in each admission serving an additional 2.35 years (3.62 - 1.27).
- The proposed legislation will result in 10 percent, or 10 convictions (104.4 x 10% = 10.44), being enhanced two classifications each year.
- 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 one (10.44 x .0837) additional admission for a total of 11 (10 + 1).
- According to the DOC, 41.7 percent of offenders will re-offend within two years of their release. A recidivism discount of 41.7 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 (11 offenders x .417 = 5 offenders).
- According to the DOC, the average operating cost per offender per day for calendar year 2019 is \$73.18.

- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on six offenders (11 offenders – 5 recidivism discount) admitted every year serving an additional 2.35 years (858.34 days) for an annualized increase in state incarceration expenditures of \$376,880 ($\$73.18 \times 858.34 \text{ days} \times 6 \text{ offenders}$).
- The courts, public defenders, and district attorneys can accommodate any impact within their existing resources. Any impact to the court system is estimated to be not significant.
- Any impact to local court fine revenue 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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