

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



**CORRECTED
FISCAL NOTE**

SB 603 - HB 1116

January 17, 2020

SUMMARY OF BILL: Enhances the penalty for reckless endangerment with a deadly weapon if the offense occurred during a road rage incident.

ESTIMATED FISCAL IMPACT:

On March 9, 2019, a fiscal note was issued estimating a fiscal impact as follows:

*Increase State Expenditures – \$27,300 Incarceration**

Based on updated information on incarceration cost estimates and admissions provided by the Department of Correction for FY19-20, the estimated fiscal impact has been corrected as follows:

(CORRECTED)

Increase State Expenditures – \$25,100 Incarceration*

Corrected Assumptions:

- Pursuant to Tenn. Code Ann. § 39-13-103(a), a person commits an offense who recklessly engages in conduct that places or may place another person in imminent danger of death or serious bodily injury.
- Pursuant to Tenn. Code Ann. § 39-13-103(b)(2), reckless endangerment committed with a deadly weapon is a Class E felony.
- The proposed legislation enhances the penalty to a Class D felony when a person discharges a firearm from within a motor vehicle during a road rage incident.
- Based on information provided by the Department of Correction, there has been an average of 108.2 admissions for reckless endangerment offenses committed with a deadly weapon each year over the last five years.
- The proposed legislation will enhance one percent, or one (108.2 x 1%), admission each year.
- 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 proposed legislation will result in each admission serving an additional .91 (2.26 - 1.35) years.

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- According to DOC, the average operating cost per offender per day for calendar year 2019 is \$75.52.
- Pursuant to Tenn. Code Ann. § 9-4-210, one offender will be admitted every year serving 332.38 days (.91 x 365.25). The annualized increase in state incarceration expenditures is estimated to be \$25,101 ($\$75.52 \times 332.38 \times 1$).

**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

/amj