

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 985 - HB 1449

March 29, 2019

**SUMMARY OF BILL:** Authorizes a court to impose an individually-assessed sentence, without imprisonment, for any person convicted of a nonviolent offense, if the person is a primary caregiver of a dependent child.

**ESTIMATED FISCAL IMPACT:**

**Decrease State Expenditures – Exceeds \$267,300 Incarceration\***

Assumptions:

- The proposed legislation defines “nonviolent offense” as any conviction for a crime punishable by imprisonment except crimes that have as an element the use, attempted use, or threatened use of physical force or a deadly weapon against another; burglary, aggravated burglary, extortion, arson, aggravated arson, kidnapping, aggravated kidnapping, or especially aggravated kidnapping; crimes involving the use of an explosive; or crimes otherwise involving conduct that presents a serious risk of physical injury to another.
- The proposed legislation will decrease state incarceration costs in instances where a sentencing court determines an offense is nonviolent and imposes an individually assessed sentence, without imprisonment, based on community rehabilitation, with a focus on parent-child unity and support.
- There is insufficient data relative to the number of primary caregivers to a dependent child being convicted for nonviolent offenses, the percentage of such that are admitted into Department of Correction (DOC) custody, and the average time served by such persons.
- However, it is reasonable to assume that at least 10 primary caregivers to a dependent child will be convicted of a nonviolent offense each year. Further, it is reasonable to assume that the average primary caregiver to a dependent child will serve at least one year (365.25 days) less than the person would have served under law.
- According to the DOC, the average operating cost per offender per day for calendar year 2019 is \$73.18.
- The proposed legislation will decrease state incarceration costs by at least \$267,290 (10 convictions x 365.25 days x \$73.18 per day).

*\*Tennessee Code Annotated § 9-4-210 requires an appropriation from recurring revenues for the estimated operation cost of any law enacted after July 1, 1986 that results in a net increase in periods of imprisonment in state facilities. The amount appropriated 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