



March 12, 2020

SUMMARY OF BILL: Enhances the penalty for statutory rape when the victim was at least 13 but less than 15 years of age at the time of the offense and the defendant was at least four years older. Requires statutory rape offenders to register as sex offender pursuant to the Tennessee Sexual Offender and Violent Sexual Offender Registration, Verification, and Tracking Act of 2004 (SOR). Disqualifies individuals seeking deferral of further proceedings for statutory rape from qualification for judicial diversion.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures – \$1,102,200 Incarceration*

Assumptions:

- Pursuant to Tenn. Code Ann. § 39-13-506(d)(2)(A), statutory rape is a Class E felony offense.
- Based on information provided by the Department of Correction (DOC), there has been an average of 58.3 statutory rape admissions each year over the past 10 years.
- According to the Tennessee Bureau of Investigation (TBI) Tennessee Incident Based Reporting System (TIBRS), 30.4 percent of cleared statutory rape arrests had a victim which was 13 or 14 years of age at the time of the crime.
- This analysis estimates 30.4 percent, or 18 (58.3 x 30.4%), of admissions would result in an enhancement.
- 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 (18 x 8.37%) additional admissions for a total of 20 (18 + 2).
- According to the DOC, 40.4 percent of offenders will re-offend within two years of their release. A recidivism discount of 40.4 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 current law (20 offenders x 40.4% = 8 offenders).
- Based on information provided by the Department of Correction (DOC), the average time served for statutory rape is 2.67 years.

- The proposed legislation will result in each admission serving an additional 3.33 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, 12 (20 – 8 recidivism discount) offenders will be admitted every year serving an additional 1,216.28 days (3.33 x 365.25). The annualized increase in state incarceration expenditures is estimated to be \$1,102,242 (\$75.52 x 1,216.28 x 12).
- Any impact to the Tennessee Bureau of Investigation resulting from requiring offenders to register with the SOR is estimated to be not significant.
- Any impact to the court system, supervisory programs overseeing probation, or fee revenue paid to a clerk of the court to process an expunction after the completion of a judicial diversion program 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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