

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 69 – SB 733

April 22, 2021

SUMMARY OF BILL: Creates a Class D felony offense for the knowing and unlawful possession of a telecommunications device in a penal institution.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures – \$12,695,600 Incarceration*

Assumptions:

- Penal institutions include all state correctional facilities and local jails.
- Based on information provided by the Department of Correction, the average of number of state prison disciplinaries issued for possession of a cell phone over the past three years was 1,090.
- This analysis estimates there will be approximately 350 convictions each year resulting from state institutions and 50 convictions each year resulting from local jails.
- The average time served for a Class D felony is 1.08 years.
- Population growth and recidivism will not impact these admissions.
- According to the DOC, the average operating cost per offender per day for calendar year 2021 is \$80.46.
- Pursuant to Tenn. Code Ann. § 9-4-210, 400 (350 + 50) offenders will be admitted every year serving 394.47 days (1.08 x 365.25). The annualized increase in state incarceration expenditures is estimated to be \$12,695,622 (\$80.46 x 394.47 x 400).

**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".

Krista Lee Carsner, Executive Director

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