

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 427

January 28, 2021

SUMMARY OF BILL: Specifies that a victim of sexual battery is incapable of consenting to sexual contact with a physician, psychologist, therapist, social worker, nurse, chemical dependency counselor, member of the clergy, or other professional during the course of receiving treatment for a mental, emotional, or physical condition or an interpersonal relationship.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures – \$35,300 Incarceration*

Assumptions:

- Pursuant to Tenn. Code Ann. § 39-13-505(c), sexual battery is a Class E felony offense.
- The proposed legislation will result in two admissions each year.
- 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.
- The average time served for a Class E felony is 0.60 years.
- Pursuant to Tenn. Code Ann. § 9-4-210, two offenders will be admitted every year serving 219.15 days (0.60 x 365.25). The annualized increase in state incarceration expenditures is estimated to be \$35,266 (\$80.46 x 219.15 x 2).

*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.

Handwritten signature of Bojan Savic in black ink.

Bojan Savic, Interim Executive Director

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