



February 25, 2023

SUMMARY OF BILL: Eliminates the criminal offense of aggravated prostitution. Authorizes a person to file a petition for the expunction of public records for a prior conviction for aggravated prostitution that was the result of the person's status as a human trafficking victim, if the person meets certain conditions.

FISCAL IMPACT:

Decrease State Expenditures – \$48,500/FY23-24 Incarceration
\$91,300/FY24-25 Incarceration
\$92,300/FY25-26 Incarceration

Assumptions:

Aggravated Prostitution

- Pursuant to Tenn. Code Ann. § 39-13-516(a), a person commits aggravated prostitution when, knowing that such person is infected with the human immunodeficiency virus (HIV), the person engages in sexual activity as a business or is an inmate in a house of prostitution or loiters in a public place for the purpose of being hired to engage in sexual activity.
- Pursuant to Tenn. Code Ann. § 39-13-516(d), aggravated prostitution is a Class C felony offense.
- Based on information provided by the Department of Correction (DOC), there have been an average of 2.6 admissions in each of the last 10 years for the Class C felony offense of aggravated prostitution.
- The average time served for a Class C felony offense of aggravated prostitution is 1.88 years, after adjusting for pretrial jail credits.
- The proposed legislation eliminates the penalty for aggravated prostitution.
- Based on population data from the U.S. Census Bureau, population growth in Tennessee averaged 0.96 percent per year (from 2018 to 2021).
- The weighted average operational costs per day are estimated to be \$50.63 for inmates housed at state facilities and \$52.11 for inmates housed at local facilities.
- The estimated decrease in incarceration costs is estimated to be the following over the next three-year period:

Decrease in State Expenditures	
Amount	Fiscal Year
\$ (48,500)	FY23-24
\$ (91,300)	FY24-25
\$ (92,300)	FY25-26

Expunctions

- The proposed legislation authorizes a person to file a petition for the expunction of public records for a prior conviction for aggravated prostitution that was the result of the person's status as a human trafficking victim, if the person meets certain conditions.
- Pursuant to Tenn. Code Ann. § 8-21-401(d)(3), the court clerk is authorized to charge a fee up to \$100 for expungements.
- Public Chapter 200 of 2019 removed the \$180 fee for an individual petitioning the court for an expunction of certain criminal offenses and the \$350 fee for a defendant applying for expunction of an offense following the completion of a diversion program.
- There will not be a significant change in the number of petitions for expunction filed for state government to experience any change in revenue or expenditures.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

/vh