



February 7, 2024

**SUMMARY OF BILL:** Enhances the penalty, from a Class A misdemeanor to a Class D felony, for intentionally obstructing a highway, street, or other place used for the passage of vehicles or conveyances. Authorizes a person who suffers loss or injury as a result of such an offense to bring a cause of action against the offender to recover compensatory damages from the loss or injury.

**FISCAL IMPACT:**

**Increase State Expenditures – \$241,000 Incarceration**

**Decrease Local Expenditures – \$10,800/FY24-25 and Subsequent Years**

Assumptions:

- Pursuant to Tenn. Code Ann. § 39-17-307(a)(1), it is a Class A misdemeanor for a person who, without legal privilege, intentionally, knowingly or recklessly obstructs a highway, street, sidewalk, railway, waterway, elevator, aisle, or hallway to which the public, or a substantial portion of the public, has access; or any other place used for the passage of persons, vehicles or conveyances, whether the obstruction arises from the person's acts alone or from the person's acts and the acts of others.
- The proposed legislation enhances the penalty to a Class D felony in instances where the defendant intentionally obstructs a highway, street, or other place used for the passage of vehicles or conveyances.
- Based on information provided by the Administrative Office of the Courts and the Department of Correction Jail Summary Reports, there have been an average of 16.24 Class A misdemeanor convictions of obstructing a highway or other passageway in each of the last five years.
- It is reasonably assumed 75 percent, or 12.18 (16.24 x 75.0%), of such Class A misdemeanors convictions are for obstructing a highway, street, or other place used for the passage of vehicles or conveyances and will be enhanced to a Class D felony under this legislation.
- The average time served for a Class D felony is 1 year.
- The proposed legislation will result in 12.18 admissions annually serving 1 year.
- Based on population data from the U.S. Census Bureau, population growth in Tennessee averaged 0.95 percent per year (from 2020 to 2023).

- The weighted average operational costs per inmate per day are estimated to be \$54.04 for inmates housed at state facilities and \$49.88 for inmates housed at local facilities.
- The increase in incarceration costs is estimated to be the following over the next three-year period:

Increase in State Expenditures	
Amount	Fiscal Year
\$ 236,200	FY24-25
\$ 238,700	FY25-26
\$ 241,000	FY26-27

- Pursuant to Public Chapter 1007 of 2022, recurring costs increases are to be estimated on the highest of the next three fiscal years; therefore, the recurring increase in incarceration costs will be \$241,000.
- It is assumed that an individual convicted of a Class A misdemeanor offense will spend an average of 15 days in a local jail.
- Based on cost estimates provided by local government entities throughout the state and reported bed capacity within such facilities, the weighted average cost per day to house an inmate in a local jail facility is \$59.07.
- The recurring mandatory decrease in expenditures to local governments is estimated to be \$10,792 (12.18 convictions x \$59.07 x 15) in FY24-25 and subsequent years.
- Any impact resulting from a cause of action being brought will be borne by private parties.
- The proposed legislation will not significantly impact courts' caseloads.
- Based on the Fiscal Review Committee's 2008 study and the Administrative Office of the Courts' 2012 study on collection of court costs, fees, and fines, collection in criminal cases is insignificant. The proposed legislation will not significantly change state or local revenue.
- The estimated fiscal impact of the proposed legislation does not consider the availability of beds in state and local facilities, but is based solely on the current operating costs of state facilities and the reimbursement rates for local facilities as is required by Tenn. Code Ann. § 9-4-210.
- All calculations used in completion of this fiscal note are available upon request.

**CERTIFICATION:**

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



Krista Lee Carsner, Executive Director

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