



April 20, 2022

**SUMMARY OF BILL AS AMENDED (017851, 017937):** Requires a person convicted of certain offenses on or after July 1, 2022, to serve 100 percent of the sentence imposed undiminished by sentence reduction credits. Requires a person convicted of certain other offenses on or after July 1, 2022, to serve 100 percent of the sentence imposed provided earned credits may reduce the sentence imposed by up to 15 percent.

**FISCAL IMPACT OF BILL AS AMENDED:**

**Increase State Expenditures – \$25,425,500 Incarceration**

Assumptions for the bill as amended:

- The proposed legislation requiring 100 percent of the sentence imposed by the court undiminished by service credits applies to the following offenses:
  - Attempted first degree murder,
  - Second degree murder;
  - Vehicular homicide resulting from the driver's intoxication;
  - Aggravated vehicular homicide;
  - Especially aggravated kidnapping;
  - Especially aggravated robbery;
  - Carjacking; and
  - Especially aggravated burglary.
- The proposed legislation requiring 100 percent of the sentence imposed by the court with release eligibility at 85 percent of the sentence served with credits applies to the following offenses:
  - Aggravated assault, if the offense involved the use of a deadly weapon;
  - Reckless aggravated assault, if the offense involved the use of a deadly weapon;
  - Aggravated assault, if the offense involved strangulation or attempted strangulation;
  - Aggravated assault, if the offense results in serious bodily injury or death of another;
  - Aggravated assault against a first responder or nurse, if the offense involved the use of a deadly weapon;
  - Aggravated assault against a first responder or nurse, if the offense involved strangulation or attempted strangulation;
  - Aggravated assault against a first responder or nurse, if the offense results in serious bodily injury;

- Aggravated assault, if the offense results in the death of the first responder or nurse;
  - Voluntary manslaughter;
  - Vehicular homicide creating a substantial risk of death or serious bodily injury, the conduct constitutes the offense of drag racing, or within a posted construction zone where the person killed was a Department of Transportation employee or a highway construction worker;
  - Reckless homicide;
  - Aggravated kidnapping;
  - Involuntary labor servitude;
  - Trafficking persons for forced labor or services;
  - Aggravated robbery;
  - Aggravated burglary;
  - Aggravated arson;
  - Possessing a firearm or antique firearm during commission or attempt to commit a dangerous felony;
  - Manufacture, delivery, or sale of a controlled substance after two or more convictions; and
  - Criminally negligent homicide.
- Based on population data from the U.S. Census Bureau, population growth in Tennessee averaged 0.74 percent per year for each of the past 10 years (from 2010 to 2020).
  - The weighted average operational costs per day are estimated to be \$51.36 for inmates housed at state facilities and \$48.77 for inmates housed at local facilities.
  - The estimated increase in incarceration costs are estimated to be the following over the next ten-year period:

Increase in State Expenditures	
Amount	Fiscal Years
\$ 11,600	FY22-23
\$ 752,900	FY23-24
\$ 11,995,800	FY24-25
\$ 17,049,800	FY25-26
\$ 17,632,000	FY26-27
\$ 19,214,900	FY27-28
\$ 23,092,000	FY28-29
\$ 24,126,500	FY29-30
\$ 24,879,000	FY30-31
\$ 25,415,800	FY31-32

- Pursuant to Tenn. Code Ann. § 9-4-210, recurring costs increases are to be estimated on the highest of the next ten fiscal years; therefore, the recurring increase in incarceration costs will be \$25,415,800.
- 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.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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