



August 21, 2023

SUMMARY OF BILL: Creates a Class B felony offense for knowingly committing an act of mass violence against another. Establishes punishment for such Class B felony be one classification higher than otherwise provided if the defendant committed the act of mass violence against the other person due to the person's status as a healthcare provider who provides gender-affirming care. Effective October 1, 2023.

FISCAL IMPACT:

Increase State Expenditures – \$58,600 Incarceration

Assumptions:

New Class B Felony

- The proposed legislation creates a new Class B felony offense to knowingly commit an act of mass violence against another.
- The proposed language defines mass violence as any criminal act that a reasonable person would conclude could lead to the serious bodily injury or the death of two or more persons.
- It is assumed that any mass violence incident resulting in the death of two or more persons would be convicted of first-degree murder, second degree murder, or voluntary manslaughter, which will not impact incarceration costs as those offense are already classified as Class B felonies or higher. However, the proposed legislation could result in some aggravated assault offenses being enhanced from as Class C felony to a Class B felony.
- Tennessee Code Annotated § 39-13-102(a)(1)(A)(i) prohibits a person from intentionally or knowingly committing an assault that results in serious bodily injury to another.
- This analysis assumes individuals who knowingly commit an act of mass violence that results in the serious bodily injury of two or more people, pursuant to the proposed legislation, would be charged with the Class C felony of aggravated assault under current law.
- Pursuant to Tenn. Code Ann. § 39-13-102(e)(1)(A)(ii), aggravated assault is a Class C felony offense with a mandatory minimum sentence of 90 days incarcerated and a mandatory fine of \$15,000.
- Based upon information provided by the Department of Correction (DOC), there has been an average of 838.9 admissions in each of the last 10 years for the offense of aggravated assault.

- However, these admissions include offenses under Tenn. Code Ann. § 39-13-102(a)(1)(A)(i)-(iv). It is assumed that 50 percent or 419.45 (838.9 x 50.0%) of these admissions resulted in the serious bodily injury to another. It is further assumed that one percent or 4.19 (419.45 x 1.0%) resulted in the serious bodily injury of two or more persons.
- This analysis assumes 4.19 admissions will be enhanced from a Class C felony of aggravated assault to a Class B felony of knowingly committing an act of mass violence against another.
- The estimated average time served for aggravated assault is 1.65 years, after adjusting for pre-trial jail credits.
- The average time served for a Class B felony offense is 2.88 years.
- Accounting for recidivism rates, the proposed legislation will result in 2.58 admissions annually serving an additional 1.23 years (2.88 - 1.65).
- Based on population data from the U.S. Census Bureau, population growth in Tennessee averaged 1.07 percent per year (from 2019 to 2022).
- 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 increase in incarceration costs is estimated to be the following over the next three-year period:

Increase in State Expenditures	
Amount	Fiscal Year
\$ (200)	FY24-25
\$ 16,300	FY25-26
\$ 58,600	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 \$58,600.

New Class A Felony

- The proposed legislation enhances the new Class B felony offense to knowingly commit an act of mass violence against another to a Class A felony offense if the defendant committed the act of mass violence against the other person due to the person's status as a healthcare provider who provides gender-affirming care.
- Pursuant to Public Chapter 1 (2023), healthcare providers are prohibited from knowingly performing or offering to perform on a minor, or administering or offering to administer to a minor, a medical procedure if the performance or administration of the procedure is for the purpose of enabling a minor to identify with, or live as, a purported identity inconsistent with the minor's sex, or treating purported discomfort or distress from a discordance between the minor's sex and asserted identity.
- The number of healthcare providers who provide gender-affirming care in Tennessee is unknown, but a search yielded few healthcare providers who provide gender-affirming care in this state and who could therefore be potential victims of an act of mass violence

committed against them due to the person's status as a healthcare provider who provides gender-affirming care.

- Due to the low number of providers, it is reasonably assumed there will not be a sufficient number of prosecutions for state government to experience any significant increase in revenue or expenditures.
- 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 analysis 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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