

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 206 - HB 168

February 15, 2017

SUMMARY OF BILL: Enhances simple assault against a law enforcement officer from a class A misdemeanor to class E felony aggravated assault.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures – \$5,097,500/Incarceration*

Assumptions:

- The Tennessee Bureau of Investigation's (TBI) Crime in Tennessee Reports from 2013 through 2015 show an average of 8,081 aggravated assaults cleared each year. Compared to 1,019 admissions per year, an average of 12.61 percent of cleared aggravated assaults result in admissions.
- The TBI's 2015 Law Enforcement Officers Killed or Assaulted report shows there have been 1,030 simple assaults against law enforcement officers each year over the last three years. The proposed legislation would enhance these offenses from class A misdemeanors to class E felonies.
- Assuming a similar percentage of these offenses will result in admissions, the proposed legislation will result in 130 admissions each year (1,030 cleared x 0.1261 admission rate).
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. Population growth will account for 15 (130 x .1178) additional admissions for a total of 145 (130 + 15).
- No recidivism discount applies because the proposed legislation creates new felony offenses.
- According to the Department of Correction (DOC), the average operating cost per offender per day for calendar year 2017 is \$68.75.
- The average time served for a class E felony is 1.40 years.
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on 145 offenders serving 1.40 years (511.35 days) at a cost of \$35,155 (\$68.75 x 511.35 days) per offender. The total cost for 145 offenders is \$5,097,475 (\$35,155 x 145).
- The proposed legislation will create 145 new felony cases each year, but will conversely reduce the number of misdemeanor offenses. It is assumed that the courts, district attorneys, and public defenders can accommodate the impact to their caseloads within

SB 206 - HB 168

existing resources.

- By enhancing these offenses to aggravated assaults, the proposed legislation makes the defendant subject to a maximum fine of \$15,000, rather than \$5,000 under simple assault.
- 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. There will not be a significant increase in revenue as a result of the mandatory minimum fines for these offenses.

**Tennessee Code Annotated § 9-4-210 requires an appropriation from recurring revenues for the estimated operation cost of any law enacted after July 1, 1986 that results in a net increase in periods of imprisonment in state facilities. The amount appropriated 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.



Krista M. Lee, Executive Director

/trm