

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 283 - SB 290

March 20, 2019

**SUMMARY OF ORIGINAL BILL:** Enhances the penalty for a conviction of aggravated rape of a child to life in prison without the possibility of parole.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

**SUMMARY OF AMENDMENT (006247):** Deletes and replaces language in the bill such that the only substantive change is to specify that the sentencing provisions of Title 40, Chapter 35, shall apply to the offense of aggravated rape of a child; that no sentencing hearing shall be conducted; and after the defendant is found guilty of aggravated rape of a child, the judge is required to sentence the defendant to imprisonment for life without the possibility of parole.

**FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:**

**Unchanged from the original fiscal note.**

Assumptions for the bill as amended:

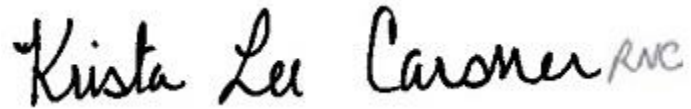
- Pursuant to Tenn. Code Ann. § 39-13-531, aggravated rape of a child is a Class A felony and is sentenced within Range III.
- Pursuant to Tenn. Code Ann. § 40-35-112(c), a Range III sentence for a Class A felony is not less than 40 years nor more than 60 years, and pursuant to Tenn. Code Ann. § 40-35-501(i)(2), sentence reduction credits may not exceed 15 percent of an aggravated rape of a child conviction; therefore, the minimum time served for an aggravated rape of a child conviction is 34 years [40 - (40 x 15%)].
- Based on information provided by the Department of Correction, there has been an average of 1.2 admissions each year over the last five years for aggravated rape of a child.
- Enhancing the penalty for aggravated rape of a child may lead to additional incarceration costs sometime after July 1, 2053; however, the number of such additional convictions

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as a result of this legislation is estimated to be not significant, and thus, the fiscal impact from enhancing the penalty for such crimes is estimated to be not significant.

**CERTIFICATION:**

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

Handwritten signature of Krista Lee Carsner in black ink, with the initials 'RLC' at the end.

Krista Lee Carsner, Executive Director

/amj