

# SB 678 – HB 1352

## FISCAL NOTE



Fiscal Review Committee  
Tennessee General Assembly

February 8, 2025

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**SUMMARY OF BILL:** Enhances the penalty, from a Class B felony to a Class A felony, for aggravated sexual battery if the victim was less than 18 years of age or was mentally defective, mentally incapacitated, or physically helpless.

### FISCAL IMPACT:

#### NOT SIGNIFICANT

##### Assumptions:

- Pursuant to Tenn. Code Ann. § 39-13-504(a), aggravated sexual battery is unlawful sexual contact with a victim by the defendant or the defendant by a victim accompanied by any of the following circumstances:
  - Force or coercion is used to accomplish the act and the defendant is armed with a weapon or any article used or fashioned in a manner to lead the victim reasonably to believe it to be a weapon;
  - The defendant causes bodily injury to the victim;
  - The defendant is aided or abetted by one or more other persons and force or coercion is used to accomplish the act or the defendant knows or has reason to know that the victim is mentally defective, mentally incapacitated or physically helpless; or
  - The victim is less than 13 years of age.
- Pursuant to Tenn. Code Ann. § 39-13-504(b), aggravated sexual battery is a Class B felony.
- The proposed legislation enhances the penalty from a Class B felony to a Class A felony if the victim was less than 18 years of age or was mentally defective, mentally incapacitated, or physically helpless.
- Pursuant to Tenn. Code Ann. § 40-35-501(aa)(1), a person convicted of aggravated sexual battery on or after July 1, 2021 is required to serve 100 percent of the sentence imposed.
- The average sentence for a Class B felony of aggravated sexual battery is 10.93 years.
- Pursuant to Tenn. Code Ann. § 9-4-210, this analysis estimates the highest cost for admissions in the next three years; therefore, any additional time added by the proposed legislation resulting in sentences exceeding three years in length surpass the window of this analysis and will not significantly impact incarceration costs.
- 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.

A handwritten signature in black ink that reads "Bojan Savic". The signature is written in a cursive, flowing style.

Bojan Savic, Executive Director