

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 843 - HB 1424

March 4, 2019

SUMMARY OF BILL: Enhances the penalty for intentional failure to report child sexual abuse.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures – \$68,400 Incarceration*

Assumptions:

- Under current law, Tenn. Code Ann. § 37-1-412, a person who knowingly fails to make a report of child abuse required by Tenn. Code Ann. § 37-1-403 commits a Class A misdemeanor. A defendant that pleads guilty to the charge of knowingly failing to make a required child abuse report is authorized to be sentenced by fine only in an amount not to exceed \$2,500.
- The proposed legislation will enhance the penalty for knowingly failing to report suspected child sexual abuse to a Class E felony.
- Based on information provided by the Administrative Office of the Courts, there has been an average of 2.4 misdemeanor convictions under Tenn. Code Ann. § 37-1-412 each year over the last five years. This analysis assumes that only 10 percent of misdemeanor convictions are at the state court level. As a result, it is estimated that there are a total of 24 convictions ($2.4 / 10\% = 24$) per year for misdemeanor violations of Tenn. Code Ann. § 37-1-412.
- Enhanced penalties for intentional failure to report suspected child sex abuse will result in one admission every year.
- The average time served for a Class E felony is 1.28 years.
- Population growth and recidivism will not impact these admissions.
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on one offender admitted every year serving an additional 1.28 years (467.52 days) for an annualized increase in state incarceration expenditures of \$34,213 ($\73.18×467.52).
- Under current law, Tenn. Code Ann. § 37-1-615, any person required to report known or suspected child sexual abuse who knowingly and willfully fails to do so, a person that knowingly prevents another person from doing so, or a person who knowingly and willfully makes public or discloses any confidential information contained in any child sexual abuse case commits a Class A misdemeanor.

- The proposed legislation will enhance the penalty for persons required to report known or suspected sexual abuse that knowingly and willfully fail to report or knowingly prevent another person from doing so to a Class E felony.
- Based on information provided by the Administrative Office of the Courts, there has been an average of .8 misdemeanor convictions under Tenn. Code Ann. § 37-1-615 each year over the last five years. This analysis assumes that only 10 percent of misdemeanor convictions are at the state court level. As a result, it is estimated that there are a total of 8 convictions ($.8 / 10\% = 8$) per year for misdemeanor violations of Tenn. Code Ann. § 37-1-615.
- Enhanced penalties for knowingly and willfully failing to report known or suspected child sex abuse by persons required to support such abuse will result in one admission every year.
- Population growth and recidivism will not impact these admissions.
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on one offender admitted every year serving an additional 1.28 years (467.52 days) for an annualized increase in state incarceration expenditures of \$34,213 ($\73.18×467.52).
- The total recurring increase in state incarceration expenditures resulting from the proposed legislation is estimated to be \$68,426 ($\$34,213 + \$34,213$).
- There will not be a sufficient change in the number of misdemeanor prosecutions for the state or local government to experience any significant change in revenue or expenditures.
- The courts, district attorneys, and public defenders will not experience an increase in caseloads; therefore, any impact to the court system is estimated to be not significant.

*Tennessee Code Annotated, Section 9-4-210, requires that: *For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues 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 Lee Carsner, Executive Director

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