

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 2515 – SB 2405

March 7, 2024

SUMMARY OF BILL: Eliminates the criminal offense of aggravated prostitution. Requires the public records of a person charged with a misdemeanor or a felony offense that has been repealed to be removed and destroyed without cost upon petition by the person.

FISCAL IMPACT:

Decrease State Expenditures – \$42,600/FY24-25 Incarceration
\$84,300/FY25-26 Incarceration
\$85,300/FY26-27 Incarceration

Assumptions:

- Pursuant to Tenn. Code Ann. § 39-13-516(a), a person commits aggravated prostitution when, knowing that such person is infected with the human immunodeficiency virus (HIV), the person engages in sexual activity as a business or is an inmate in a house of prostitution or loiters in a public place for the purpose of being hired to engage in sexual activity.
- Pursuant to Tenn. Code Ann. § 39-13-516(d), aggravated prostitution is a Class C felony offense.
- Based on information provided by the Department of Correction, there have been an average of 2.2 admissions in each of the last 10 years for the Class C felony offense of aggravated prostitution.
- The average time served for a Class C felony offense of aggravated prostitution is 1.97 years, after adjusting for pretrial jail credits.
- The proposed legislation eliminates the penalty for aggravated prostitution.
- Based on population data from the U.S. Census Bureau, population growth in Tennessee averaged 0.95 percent per year (from 2020 to 2023).
- The weighted average operational costs per inmate per day are estimated to be \$54.04 for inmates housed at state facilities and \$49.88 for inmates housed at local facilities.
- The decrease in incarceration costs is estimated to be the following over the next three-year period:

Decrease in State Expenditures	
Amount	Fiscal Year
\$ (42,600)	FY24-25
\$ (84,300)	FY25-26
\$ (85,300)	FY26-27

- Pursuant to Tenn. Code Ann. § 40-32-101(a)(1)(A), all public records of a person who has been charged with a misdemeanor or a felony shall, upon petition by that person to the court having jurisdiction in the previous action, be removed and destroyed without cost to the person, if
 - The charge has been dismissed;
 - A no true bill was returned by a grand jury; or
 - The person was arrested and released without being charged.
- The proposed legislation expands this list to include an offense for which the person has been convicted has been repealed.
- Pursuant to Tenn. Code Ann. § 8-21-401(d)(3), a court clerk is authorized to charge a \$100 fee to process petitions for expunction.
- Public Chapter 200 of 2019 removed the \$180 fee for an individual petitioning the court for an expunction of certain criminal offenses and the \$350 fee for a defendant applying for expunction of an offense following the completion of a diversion program.
- There will not be a significant change in the number of petitions for expunction filed for state government to experience any change in revenue or expenditures.

CERTIFICATION:

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



Krista Lee Carsner, Executive Director

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