



March 21, 2017

SUMMARY OF ORIGINAL BILL: Expands voluntary manslaughter, a class C felony, to include causing the death of another by unlawful distribution or delivery of a controlled substance when the controlled substance is a contributing factor in the death.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures – \$793,300/Incarceration*

SUMMARY OF AMENDMENT (005246): Deletes and rewrites (a)(2) of section 1 to clarify that a person commits voluntary manslaughter by substantially contributing, medically, to the death of another by the unlawful distribution or delivery of a controlled substance.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Statistics from the Department of Health show an average of 1,207 deaths from drug overdose from 2011-2015 with a growing trend over the same five years. It is assumed there are currently 1,500 deaths from drug overdose each year.
- It is assumed that one percent ($1,500 \times 0.01 = 15$) of these deaths can be tied to an unlawful distribution or delivery of a controlled substance. Further, it is assumed that one-half ($15 \times 0.5 = 7.5$) of these will result in voluntary manslaughter admissions.
- 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 one ($8 \times .1178$) additional admission for a total of nine ($8 + 1$).
- 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 C felony is 3.51 years.
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on each offender serving 3.51 years (1,282.03 days) at a cost of \$88,140 ($\$68.75 \times 1,282.03$ days) per offender. The total cost for nine offenders is \$793,260 ($\$88,140 \times 9$).

**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.

A handwritten signature in blue ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

/trm