

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**HB 786 - SB 1176**

March 2, 2017

**SUMMARY OF 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.

**ESTIMATED FISCAL IMPACT:**

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

Assumptions:

- 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.



Krista M. Lee, Executive Director

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