

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**HB 829 - SB 1117**

March 21, 2017

**SUMMARY OF BILL:** Creates two new felony reckless endangerment offenses for failing to lock, secure, or otherwise store or make unavailable a firearm and ammunition for the firearm. The offense is a class E felony if a child younger than 13 years of age obtains possession of the firearm, discharges the firearm, and the discharge results in bodily injury or serious bodily injury to the child or to another. The offense is a class C felony if a child younger than 13 years of age obtains possession of the firearm, discharges the firearm, and the discharge results in death of the child or to another.

**ESTIMATED FISCAL IMPACT:**

**Increase State Expenditures – \$123,300/Incarceration\***

Assumptions:

- Articles from various news sources show at least one incident per year from 2012 to 2015 in which a child gained access to a firearm and discharged the firearm resulting in death of the child or another. Fiscal Review Committee staff found no information on children gaining access to a firearm, or children gaining access to a firearm and discharging the firearm causing bodily injury to the child or another.
- It is assumed that the legislation will result in one class C felony admission per year and one class E felony admission per year.
- 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 not affect the fiscal impact of this legislation.
- A recidivism discount does not apply because these are new offenses.
- According to the Department of Correction, the average operating cost per offender per day for calendar year 2017 is \$68.75.
- The average time served for a class E felony is 1.4 years, or 511.35 days.
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on one offender serving 1.4 years (511.35 days) for a total cost of \$35,155 (\$68.75 x 511.35 days).
- The average time served for a class C felony is 3.51 years, or 1,282.03 days.

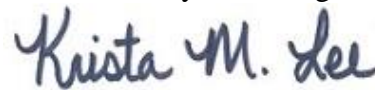
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- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on one offender serving 3.51 years (1,282.03 days) for a total cost of \$88,140 (\$68.75 x 1,282.03 days).
- The total recurring increase in state incarceration costs is estimated to be \$123,295 (\$35,155 + \$88,140).
- The bill as amended will create two new felony cases and one new misdemeanor case per year. It is assumed that the courts, district attorneys, and public defenders can accommodate the impact to their caseloads within their existing resources.

\*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 M. Lee, Executive Director

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