



February 23, 2021

**SUMMARY OF BILL:** Expands the offense of aggravated rioting. Increases the mandatory minimum sentence for aggravated rioting in outlined instances.

**ESTIMATED FISCAL IMPACT:**

**Increase State Expenditures – \$3,500 Incarceration\***

Assumptions:

- Pursuant to Tenn. Code Ann. § 39-17-303, it is a Class E felony offense with a mandatory minimum sentence of 45 days of incarceration for a person to knowingly participate in a riot and, as a result of the riot, a person other than a participant suffers bodily injury or substantial property damage occurs.
- The proposed legislation expands the offense of aggravated rioting to include a person who knowingly participates in a riot, and:
  - Traveled from outside the state with intent to commit a criminal offense; or
  - Participates in a riot in exchange for compensation.
- The proposed legislation requires a mandatory minimum sentence of 60 days of incarceration if the defendant commits more than one aggravating circumstance.
- This analysis assumes that all convicted offenders currently serve the mandatory minimums outlined in the legislation. Further, if convicted of a crime with an average sentence that exceeds the mandatory minimum, this analysis assumes that the offender will serve the established average sentence length; therefore, any impact resulting from the establishing of mandatory sentence minimums is estimated to be not significant.
- The proposed legislation will result in one admission every five years.
- According to the DOC, the average operating cost per offender per day for calendar year 2021 is \$80.46.
- Population growth and recidivism will not impact these admissions.
- The average time served for a Class E felony is 0.60 years.
- Pursuant to Tenn. Code Ann. § 9-4-210, one offender will be admitted every five years serving 219.15 days (0.60 x 365.25). The annualized increase in state incarceration expenditures is estimated to be \$3,527 ( $\$80.46 \times 219.15 / 5$ ).

*\*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.

A handwritten signature in black ink that reads "Bojan Savic". The signature is written in a cursive, slightly slanted style.

Bojan Savic, Interim Executive Director

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