

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 951 - SB 1591

March 11, 2021

SUMMARY OF BILL: Creates a Class A misdemeanor offense of negligently, by act or omission, engaging in conduct that places a child in imminent danger of death, bodily injury, or physical or mental impairment. Creates a Class D felony offense of negligently, by act or omission, engaging in conduct that places a child that is eight years of age or less in imminent danger of death, bodily injury, or physical or mental impairment.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures – \$10,600 Incarceration*

Assumptions:

- The proposed legislation specifies that a person engages in conduct that places a child in imminent danger of death, bodily injury, or physical or mental impairment if the person's conduct related to the controlled substance methamphetamine or any other controlled substance listed in Title 39, Chapter 17, Part 4, except a Schedule VI controlled substance, exposes the child to the controlled substance and an analysis of a specimen of the child's blood, hair, fingernail, urine, or other bodily substance indicates the presence of methamphetamine or any other controlled substance listed in Title 39, Chapter 17, Part 4, except a Schedule VI controlled substance, in the child's body.
- The proposed legislation will result in one Class D felony admission every three years.
- Population growth and recidivism will not impact these admissions.
- According to the DOC, the average operating cost per offender per day for calendar year 2021 is \$80.46.
- The average time served for a Class D felony is 1.08 years.
- Pursuant to Tenn. Code Ann. § 9-4-210, one offender will be admitted every year serving 394.47 days (1.08 x 365.25). The annualized increase in state incarceration expenditures is estimated to be \$10,580 (\$80.46 x 394.47 / 3).
- There will not be a sufficient number of Class A misdemeanor prosecutions for state or local government to experience any significant increase in revenue or expenditures.
- Any impact to the court system is estimated to be not significant.

*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 style with a large, prominent 'B' and 'S'.

Bojan Savic, Interim Executive Director

/mj