



**SB 1373 - HB 1433**

March 29, 2021

**SUMMARY OF ORIGINAL BILL:** Requires an offender sentenced for an offense occurring on or after July 1, 2021 to serve 100 percent of the sentence imposed. Requires a person committing a violation of continuous sexual abuse of a child on or after July 1, 2014, to receive a sentence of community supervision for life.

**FISCAL IMPACT OF ORIGINAL BILL:**

Increase State Expenditures – \$646,446,500 Incarceration

**SUMMARY OF AMENDMENT (005396):** Deletes all language after the enacting clause. Enhances reckless endangerment by discharging a firearm within a motor vehicle to a Class C felony.

**FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:**

**Increase State Expenditures – \$52,300 Incarceration\***

Assumptions for the bill as amended:

- Pursuant to Tenn. Code Ann. § 39-13-103(a), a person commits an offense who recklessly engages in conduct that places or may place another person in imminent danger of death or serious bodily injury.
- Pursuant to Tenn. Code Ann. § 39-13-103(b)(2), reckless endangerment committed with a deadly weapon is a Class E felony.
- The proposed legislation enhances the penalty to a Class C felony when a person discharges a firearm from within a motor vehicle.
- Based on information provided by the Department of Correction, there has been an average of 106.4 admissions for reckless endangerment offenses committed with a deadly weapon each year over the last five years.
- The proposed legislation will enhance two percent, or two (106.4 x 2%), admissions each year.
- The average time served for a Class E felony is 0.60 years. The average time served for a Class C felony is 1.49 years. The proposed legislation will result in each admission serving an additional 0.89 (1.49 – 0.60) 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.

- Pursuant to Tenn. Code Ann. § 9-4-210, two offenders will be admitted every year serving 325.07 additional days (0.89 x 365.25). The annualized increase in state incarceration expenditures is estimated to be \$52,310 (\$80.46 x 325.07 x 2).

*\*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 Lee Carsner, Executive Director

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