



SB 358 - HB 1074

March 15, 2021

SUMMARY OF ORIGINAL BILL: Enhances the penalty for assault against a first responder to a Class E felony.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures – \$7,370,500 Incarceration*

Decrease Local Expenditures – \$611,100/FY21-22 and Subsequent Years

SUMMARY OF AMENDMENT (005080): Deletes and replaces language in the original bill. Adds healthcare provider to the definition of first responder as it applies to the offenses of assault or aggravated assault against a first responder. Defines healthcare provider as healthcare professionals licensed, registered, certified, or permitted pursuant to Title 63 or Title 68 and regulated under the authority of either the Department of Health (DOH) or any agency, board, council, or committee attached to the DOH.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

NOT SIGNIFICANT

Assumptions for the bill as amended:

- This analysis assumes individuals charged with assault against first responder pursuant to this legislation would be charged with a Class A misdemeanor offense of assault pursuant to Tenn. Code Ann. § 39-13-101 under current law.
- Pursuant to Tenn. Code Ann. § 39-13-116(c)(1), assault against a first responder is a Class A misdemeanor offense punished by a mandatory fine of \$5,000 and a mandatory minimum sentence of 30 days incarceration.
- The proposed legislation will not result in a sufficient number of Class A misdemeanor prosecutions for state or local government to experience any significant increase in revenue or expenditures.
- This analysis assumes individuals charged with aggravated assault against a first responder pursuant to this legislation would be charged with a Class C felony offense of aggravated assault pursuant to Tenn. Code Ann. § 39-13-102 under current law.

- Pursuant to Tenn. Code Ann. § 39-13-116(c)(2), aggravated assault against a first responder is punished by a mandatory fine of \$15,000 and a mandatory minimum sentence of 90 days incarceration.
- Based on information provided by the Department of Correction, the average time served for a Class C felony is 1.49 years.
- While the proposed legislation establishes mandatory sentence minimums, this analysis assumes that the offender will serve the established average sentence length.
- Any impact to state incarceration is estimated to be not significant.
- Based on the Fiscal Review Committee's 2008 study and the Administrative Office of the Courts' 2012 study on collection of court costs, fees, and fines, collection in criminal cases is insignificant. The proposed legislation will not significantly increase state or local revenue.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

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