

# HB 721 - SB 1411

## FISCAL NOTE



Fiscal Review Committee  
Tennessee General Assembly

February 27, 2025

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**SUMMARY OF BILL:** Creates a Class E felony offense of assault against an educational employee.

### FISCAL IMPACT:

STATE GOVERNMENT	
EXPENDITURES	Incarceration
	\$1,203,200

LOCAL GOVERNMENT	
EXPENDITURES	Mandatory
FY25-26 & Subsequent Years	(\$89,200)

#### Assumptions:

- Pursuant to Tenn. Code Ann. § 39-13-101, a person commits assault who:
  - Intentionally, knowingly or recklessly causes bodily injury to another;
  - Intentionally or knowingly causes another to reasonably fear imminent bodily injury;
  - or
  - Intentionally or knowingly causes physical contact with another and a reasonable person would regard the contact as extremely offenses or provocative.
- Pursuant to Tenn. Code Ann. § 39-13-101(b)(1)(A)-(C), assault committed:
  - To intentionally, knowingly or recklessly cause bodily injury to another is a Class A misdemeanor, punishable by incarceration and a fine not to exceed \$15,000;
  - To intentionally or knowingly cause another to reasonably fear imminent bodily injury is a Class A misdemeanor; and
  - To intentionally or knowingly cause physical contract with another and a reasonable person would regard the contract as extremely offensive or provocative is a Class B misdemeanor.
- Per the proposed legislation, a person commits the Class E felony offense of assault against an educational employee who knowingly causes bodily injury to an educational employee while the educational employee is discharging or attempting to discharge the educational employee's official duties while:
  - On the grounds of the school that employs the educational employee;
  - At an activity that is sponsored by the school that employs the educational employee;

- On equipment or a means of transportation that is provided by the school that employs the educational employee; or
- At an official school bus stop for students who attend the school that employs the educational employee.
- This analysis assumes individuals charged with assault against a school employee 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.
- According to the Tennessee Department of Education’s *2022-23 Annual Safe Schools Report*, during the 2022-23 school year, there were 1,918 offenses that involved the assault of a teacher or staff.
- This analysis assumes that five percent, or 95.9 assaults (1,918 offenses x 5%), would result in arrest and the defendant being charged with the Class A misdemeanor offense of assault by intentionally, knowingly or recklessly causing bodily injury to another or causing another to reasonably fear imminent bodily injury under current law where the victim was an educational employee.
- The average time served for a Class E felony offense is 0.56 years.
- Based on population data from the U.S. Census Bureau, population growth in Tennessee averaged 1.24 percent per year (from 2021 to 2024).
- The weighted average operational costs per inmate per day are estimated to be \$62.02 for inmates housed at state facilities and \$50.51 for inmates housed at local facilities.
- The estimated increase in incarceration costs is estimated to be the following over the next three-year period:

Increase in State Expenditures	
Amount	Fiscal Year
\$ 1,173,800	FY25-26
\$ 1,188,300	FY26-27
\$ 1,203,200	FY27-28

- Pursuant to Public Chapter 1007 of 2022, recurring costs increases are to be estimated on the highest of the next three fiscal years; therefore, the recurring increase in incarceration costs will be \$1,203,200.
- It is assumed that an individual convicted of a Class A misdemeanor offense will spend an average of 15 days in a local jail.
- Based on cost estimates provided by local government entities throughout the state and reported bed capacity within such facilities, the weighted average cost per day to house an inmate in a local jail facility is \$61.99.
- The recurring mandatory decrease in expenditures to local governments is estimated to be \$89,173 (95.9 convictions x \$61.99 x 15 days) in FY25-26 and subsequent years.
- 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 change state or local revenue.
- The estimated fiscal impact of the proposed legislation does not consider the availability of beds in state and local facilities, but is based solely on the current operating costs of state facilities and the reimbursement rates for local facilities as is required by Tenn. Code Ann. § 9-4-210.

- All calculations used in completion of this fiscal note are available upon request.

**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, Executive Director