



January 15, 2024

**SUMMARY OF BILL:** Increases, from a Class E felony to a Class D felony, the penalty for the offense of burglary of any freight or passenger car, automobile, truck, trailer, boat, airplane, or other motor vehicle.

**FISCAL IMPACT:**

**Increase State Expenditures – \$610,600 Incarceration**

Assumptions:

- Pursuant to Tenn. Code Ann. § 39-13-1002(a)(1)-(4), a person commits the offense of burglary who, without the effective consent of the property owner:
  - Enters a building other than a habitation, or any portion of the building, not open to the public, with intent to commit a felony, theft, or assault;
  - Remains concealed, with the intent to commit a felony, theft, or assault, in a building;
  - Enters a building and commits or attempts to commit a felony, theft, or assault; or
  - Enters any freight or passenger car, automobile, truck, trailer, boat, airplane, or other motor vehicle with intent to commit a felony, theft, or assault or commits or attempts to commit a felony, theft, or assault.
- Pursuant to Tenn. Code Ann. § 39-13-1002(b)(1)-(2), burglary other than a habitation is a Class D felony and burglary of a motor vehicle is a Class E felony.
- The proposed legislation enhances the penalty for burglary of a motor vehicle, from a Class E felony to a Class D felony.
- Based upon information provided by the Department of Correction, there has been an average of 89.2 admissions per year over the last 10 years for the Class E felony offense under Tenn. Code Ann. § 39-13-1002(a)(4) for burglary of a motor vehicle.
- The average time served for Class E felony burglary is 0.96 years.
- The average time served for Class D felony burglary is 1.48 years.
- Accounting for recidivism rates, the proposed legislation will result in 65.96 admissions annually serving an additional 0.52 years (1.48 – 0.96).
- Based on population data from the U.S. Census Bureau, population growth in Tennessee averaged 0.95 percent per year (from 2020 to 2023).
- The weighted average operational costs per day are estimated to be \$54.04 for inmates housed at state facilities and \$49.88 for inmates housed at local facilities.

- The increase in incarceration costs is estimated to be the following over the next three-year period:

Increase in State Expenditures	
Amount	Fiscal Year
\$ 370,100	FY24-25
\$ 604,700	FY25-26
\$ 610,600	FY26-27

- 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 \$610,600.
- 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.



Krista Lee Carsner, Executive Director

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