

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**HB 1864 - SB 1872**

February 4, 2018

**SUMMARY OF BILL:** Expands the offense of assault to include intentionally or knowingly causing bodily fluids to make physical contact with another person. Establishes any such offense as a Class A misdemeanor.

**ESTIMATED FISCAL IMPACT:**

**Increase Local Expenditures – \$14,700\***

Assumptions:

- Under current law, pursuant to Tenn. Code Ann. §§ 39-13-101 (a)(3) and (b)(1)(A), the offense of intentionally or knowingly causing physical contact with another person, that a reasonable person would regard as extremely offense or provocative, is a Class B misdemeanor.
- Based on information provided by the Administrative Office of the Courts (AOC), over the last five years, there has been an average of 155 convictions per year for violations of Tenn. Code Ann. § 39-13-101 (a)(3).
- AOC state courts represent approximately 10 percent of all convictions; therefore, the total number of convictions per year for violations of Tenn. Code Ann. § 39-13-101 (a)(3) is estimated to be 1,550 (155 / 10%) statewide.
- Five percent of convictions involve bodily fluids; therefore, 78 convictions (1,550 x 5%) will be elevated from a Class B misdemeanor to a Class A misdemeanor pursuant to this legislation.
- Ten percent of individuals convicted of a Class A misdemeanor pursuant to this legislation will serve an average of 30 additional days in local jails as compared to the time they would serve under current law.
- The estimated 2018 cost per inmate per day for local jails is \$63.
- The mandatory recurring increase in local expenditures is estimated to be \$14,742 (10% x 78 convictions x 30 days x \$63).
- Based on the Fiscal Review Committee's 2008 study and the AOC's 2012 study on collection of court costs, fees, and fines, collection in criminal cases is insignificant. There will not be a significant increase in revenue as a result of the mandatory minimum fines for these offenses.

- The courts, district attorneys, and public defenders will not experience an increase in caseloads as these offenses are being charged under current law. Any impact to the court system is estimated to be not significant.

\*Article II, Section 24 of the Tennessee Constitution provides that: *no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

**CERTIFICATION:**

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

A handwritten signature in blue ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

/amj