



April 17, 2024

SUMMARY OF BILL AS AMENDED (018655): Enacts the *Back the Blue Act*. Enhances the penalty for assault against a law enforcement officer, from a Class A misdemeanor with a mandatory minimum 30-day sentence and \$5,000 fine, to a Class E felony with a mandatory minimum 60-day sentence and \$10,000 fine.

FISCAL IMPACT OF BILL AS AMENDED:

Increase State Expenditures – \$2,360,600 Incarceration

Decrease Local Expenditures – \$352,100/FY24-25 and Subsequent Years

Assumptions for the bill as amended:

- Pursuant to Tenn. Code Ann. § 39-13-116(c)(1), assault of a first responder, including a certified law enforcement officer, or nurse who is discharging or attempting to discharge the first responder's or nurse's official duties is a Class A misdemeanor offense with a mandatory minimum sentence of 30 days incarceration and a mandatory fine of \$5,000.
- The proposed legislation enhances the penalty for such an offense, from a Class A misdemeanor to a Class E felony, if the assault is against a law enforcement officer.
- Based on data obtained through the Tennessee Bureau of Investigation Tennessee Incident Based Reporting System, over the last five years, there was an average of 439.6 arrests for simple assault against a law enforcement officer.
- Based on information in the FY21-22 Annual Report of the Tennessee Judiciary, approximately 45.2 percent of criminal court dispositions statewide resulted in a conviction.
- This analysis assumes 45.2 percent, or 198.7 (439.6 x 45.2%), of arrests would result in a Class E felony admission under the proposed legislation.
- The average time served for a Class E felony is 0.60 years.
- While the proposed language establishes a mandatory sentence minimum, this analysis assumes that the offender will serve the established average sentence length of 0.60 years.
- 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 inmate 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
\$ 2,316,300	FY24-25
\$ 2,338,300	FY25-26
\$ 2,360,600	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 \$2,360,600.
- 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 \$59.07.
- The recurring mandatory decrease in expenditures to local governments is estimated to be \$352,116 (198.7 convictions x \$59.07 x 30 days) in FY24-25 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.



Krista Lee Carsner, Executive Director

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