

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 2136 - HB 2753

May 4, 2020

**SUMMARY OF BILL:** Reduces the drug-free zone to 500 feet.

**ESTIMATED FISCAL IMPACT:**

**Decrease State Expenditures – \$18,449,100 Incarceration\***

Assumptions:

- Tenn. Code Ann. § 39-17-432 enhances drug offenses under Tenn. Code Ann. § 39-17-417 by one classification if committed within 1,000 feet of a school, child care agency, public library, recreational center, or park, also known as a “drug-free zone”, and offenses committed within 1,000 feet of a public or private elementary, middle, or secondary school, also known as a “school safety zone”. Offenses occurring in a school safety zone are eligible for additional incarceration time resulting from such enhancement.
- Based on information provided by the Department of Correction (DOC), the following are the average number admissions resulting from offenses occurring in drug-free school safety zones each year over the last five years:
  - Class A felony – 63.7
  - Class B felony – 252.6
  - Class C felony – 573.9
  - Class D felony – 270.7
  - Class E felony – 255.0
- Based on population data from the U.S. Census Bureau, population growth in Tennessee averaged 0.81 percent per year for each of the past 10 years (from 2008 to 2018), yielding a projected compound population growth rate of 8.37 percent. Assuming Tennessee's population continues growing by the same rates over the next 10-year period, population growth will account for 5 (63.7 x 8.37%) additional Class A felony admission, 21 (252.6 x 8.37%) additional Class B felony admissions, 48 (573.9 x 8.37%) additional Class C felony admissions, 23 (270.7 x 8.37%) additional Class D felony admissions, and 21 (255.0 x 8.37%) additional Class E felony admissions.
- Recidivism will not impact these admissions.
- This analysis estimates that 25 percent of all offenses are committed beyond 500 feet from a school safety zone statewide; therefore; the proposed legislation will result in the following admissions being prosecuted one classification lower than they would be under current law:

- Class A felony – 17 [(63.7 + 5) x 25%]
- Class B felony – 68 [(252.6 + 21) x 25%]
- Class C felony – 155 [(573.9 + 48) x 25%]
- Class D felony – 73 [(270.7 + 23) x 25%]
- The proposed legislation will result in:
  - 17 Class A felonies being punished as Class B felonies
  - 68 Class B felonies being punished as Class C felonies
  - 155 Class C felonies being punished as Class D felonies
  - 73 Class D felonies punished as Class E felonies
- The average time served by felony class is:
  - Class A felony – 18.69 years
  - Class B felony – 6.48 years
  - Class C felony – 3.50 years
  - Class D felony – 2.26 years
  - Class E felony – 1.35 years
- According to the DOC, the average operating cost per offender per day for calendar year 2020 is \$75.52.
- The proposed legislation will result in 17 offenders each serving 12.21 fewer years (18.69 - 6.48), or 4,459.70 (12.21 x 365.25) fewer days, than under current law.
- The proposed legislation will decrease recurring state incarceration expenditures by an estimated \$5,725,541 (\$75.52 x 4,459.70 days x 17 offenders).
- The proposed legislation will result in 68 offenders each serving 2.98 fewer years (6.48 - 3.50), or 1,088.45 (2.98 x 365.25) fewer days, than under current law.
- The proposed legislation will decrease recurring state incarceration expenditures by an estimated \$5,589,582 (\$75.52 x 1,088.45 days x 68 offenders).
- The proposed legislation will result in 155 offenders each serving 1.24 fewer years (3.50 - 2.26), or 452.91(1.24 x 365.25) fewer days, than under current law.
- The proposed legislation will decrease recurring state incarceration expenditures by an estimated \$5,301,583 (\$75.52 x 452.91 x 155 offenders).
- The proposed legislation will result in 73 offenders each serving .91 fewer years (2.26 – 1.35), or 332.38 (.91 x 365.25) fewer days, than under current law.
- The proposed legislation will decrease recurring state incarceration expenditures by an estimated \$1,832,398 (\$75.52 x 332.38 days x 73 offenders).
- The total recurring decrease in state incarceration expenditures resulting from the proposed legislation is estimated to be \$18,449,104 (\$5,725,541 + \$5,589,582 + \$5,301,583 + \$1,832,398).
- 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 impact state revenue.

\*Tennessee Code Annotated, Section 9-4-210, requires that: *For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

**CERTIFICATION:**

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

Handwritten signature of Krista Lee Carsner in black ink.

Krista Lee Carsner, Executive Director

/amj