

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 1930 – SB 2517

February 25, 2018

SUMMARY OF ORIGINAL BILL: Punishes promoting prostitution as trafficking a person for a commercial sex act if the victim has an intellectual disability.

CORRECTED FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures – \$191,900 Incarceration*

SUMMARY OF AMENDMENT (013542): Deletes all language after the enacting clause. Enhances promoting prostitution to a class D felony if the victim has an intellectual disability.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Increase State Expenditures – \$48,000 Incarceration*

Assumptions for the bill as amended:

- Tennessee Code Annotated § 39-13-515 prohibits a person from promoting prostitution. Promoting prostitution is a class E felony. Promoting prostitution is punished as trafficking if the promotion involves a minor.
- The proposed legislation would punish promoting prostitution as a class D felony if the promotion involves a person with an intellectual disability.
- Statistics from the Department of Correction (DOC) show an average of 6.5 admissions per year for promoting prostitution over the last 10 years.
- The proposed legislation will enhance one admission per year to class D felony.
- Population growth and recidivism will not impact these admissions.
- According to the DOC, the average operating cost per offender per day for calendar year 2018 is \$71.08.
- The average time served for promoting prostitution is 0.3 years. The average time served for a class D felony is 2.15 years. The proposed legislation will result in each admission serving an additional 1.85 years (2.15 – 0.3).
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on each offender serving an additional 1.85 years (675.71 days) at a cost of \$48,029

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(\$71.08 x 675.71 days).

- The proposed legislation will not create any additional cases for the courts, public defenders, or district attorneys. Any impact to their operations can be accommodated within existing resources.

**Tennessee Code Annotated § 9-4-210 requires an appropriation from recurring revenues for the estimated operation cost of any law enacted after July 1, 1986 that results in a net increase in periods of imprisonment in state facilities. The amount appropriated 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.



Krista M. Lee, Executive Director

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