

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 2501 - SB 2635

March 5, 2018

SUMMARY OF BILL: Creates a Class A misdemeanor offense of aggressive driving, and creates a Class E felony offense for aggressive driving with intent to injure another.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures – \$34,000 Incarceration*

Increase Local Expenditures – Exceeds \$32,100 Incarceration**

Assumptions:

- The proposed legislation creates a Class A misdemeanor offense of aggressive driving. Aggressive driving is driving with the intent to annoy, harass, molest, intimidate, injure, or obstruct another person while committing at least two other driving violations listed in the proposed legislation, e.g., reckless driving, following too closely, failing to signal turn, etc.
- Aggressive driving is enhanced to a Class E felony if the person intends to injure another.
- According to the Administrative Office of the Courts (AOC), there has been only one felony conviction of the offenses listed in the proposed legislation the past five years. These statistics represent convictions at the state court level. It is assumed that only ten percent of these convictions are at the state court level. It is assumed that there will be a total of 10 (1 x 10) per year for violations of the felony offense under the proposed legislation.
- Of these 10 felony offenses, it is assumed that 10 percent, or one (10 x 0.1) will result in a Class E felony admission for aggressive driving with intent to injure for which the average time served is 1.31 years.
- According to the Department of Correction, the average operating cost per offender per day for calendar year 2018 is \$71.08.
- Population growth and recidivism will not affect these admissions.
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on one offender serving 1.31 years (478.48 days) at a cost of \$34,010 (\$71.08 x 478.48 days).
- According to the AOC, there has been an average of 85 violations of the B and C misdemeanor offenses listed in the proposed legislation over the past five years. These

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statistics represent convictions at the state court level. It is assumed that only ten percent of misdemeanor convictions are at the state court level. It is assumed that there are a total of 850 (85 x 10) per year for violations of those misdemeanor offenses listed in the proposed legislation.

- The proposed legislation would enhance the current Class B and Class C misdemeanors to a Class A misdemeanor, if two or more of the offenses are committed during one event of continuous driving and with the intent to annoy harass, molest, intimidate, or obstruct another person. Of those 850 offenders, it is assumed that two percent, or 17 offenders (850 x .02), will be sentenced to serve a minimum of 30 days in local jails due to the enhancement of their Class B or C misdemeanor to a Class A misdemeanor.
- The estimated 2018 cost per inmate per day for local jails is \$63.00.
- The proposed legislation will increase recurring local incarceration costs by \$32,130 (17 offenders x 30 days x \$63.00).

**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.*

***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.



Krista M. Lee, Executive Director

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