



February 19, 2024

SUMMARY OF BILL: For purposes of the offense of child endangerment, expands the definition of conduct that places a child in imminent danger of death, bodily injury, or physical or mental impairment to include a person that engages in domestic abuse of a member of the child's household or immediate family in the presence of the child.

FISCAL IMPACT:

Increase State Expenditures – \$10,748,100 Incarceration

Increase Local Expenditures – \$162,100/FY24-25 and Subsequent Years*

Assumptions:

- Pursuant to Tenn. Code Ann. § 36-3-601(1), domestic abuse means:
 - Inflicting, or attempting to inflict, physical injury on an adult or minor by other than accidental means;
 - Placing an adult or minor in fear of, or in, physical harm or physical restraint;
 - Causing malicious damage to the personal property of the abused party; or
 - Intentionally engaging in behavior that amounts to financial abuse.
- Pursuant to Public Chapter (PC) 511 of 2021 and Tenn. Code Ann. § 39-15-401(d)(1), a person who negligently, by act or omission, engages in conduct that places a child in imminent danger of death, bodily injury, or physical or mental impairment, creates a Class A misdemeanor of child neglect. The penalty is enhanced to a Class D felony if the child is eight years of age or less.
- The proposed legislation expands the definition of conduct that places a child in imminent danger of death, bodily injury, or physical or mental impairment, for purposes of the offense of child endangerment, to include a person that engages in domestic abuse of a member of the child's household or immediate family in the presence of the child.
- Based on data obtained through the Tennessee Bureau of Investigation Tennessee Incident Based Reporting System, between 2018 and 2022, there was an average of 20,719 arrests for a domestic assault incident per year.
- Of those 20,719 arrests, approximately 7.1 percent or 1,471 (20,719 x 7.1%) incidents were witnessed by a child in the home.
- According to the 2021-2022 Annual Report of the Tennessee Judiciary, approximately 45.2 percent of criminal court dispositions statewide resulted in a conviction. Therefore, of the 1,471 incidents, 665 (1,471 x 45.2%) resulted in convictions.

- Based on U.S. Census Bureau data, 45.9 percent of Tennessee children 0-18 years old are age 8 and under.
- Utilizing this data as a proxy for this estimation, it is assumed there could be 305 (665 x 45.9%) convictions of domestic violence each year that could have been witnessed by a child aged eight or younger.
- This analysis assumes 60 percent or 183 (305 x 60.0%) of convictions will be charged with a Class D felony offense of child endangerment under the proposed legislation.
- Pursuant to Tenn. Code Ann. § 40-35-501(aa), as amended by Public Chapter 563 of 2021, a person convicted of child abuse or child neglect or endangerment on or after July 1, 2021 is required to serve 100 percent of the sentence imposed.
- The average sentence for a Class D felony offense of child endangerment is 3.49 years.
- Passage of the proposed legislation will result in 183 additional admissions serving 3.49 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
\$ 3,548,900	FY24-25
\$ 7,131,500	FY25-26
\$ 10,748,100	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 \$10,748,100.
- It is assumed that these individuals would have been convicted of a Class A misdemeanor under current law. An individual convicted of a Class A misdemeanor offense spends an average of 15 days in a local jail.
- 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 increase in expenditures to local governments is estimated to be \$162,147 (183 convictions x \$59.07 x 15 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.

**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 black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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