

FISCAL NOTE

HB 3685 - SB 3969

March 24, 2006

SUMMARY OF BILL: Authorizes a publicly funded forensic laboratory to be built in the Ninth Judicial District (Loudon, Meigs, Morgan and Roane Counties). The laboratory shall assess and receive the same fees currently charged by Tennessee Bureau of Investigation (TBI) and other publicly funded forensic labs for conducting tests to determine the drug and alcohol content of blood.

ESTIMATED FISCAL IMPACT:

Increase Local Govt. Revenues – \$8,800

Increase Local Govt. Expenditures - \$8,800/Mandatory*

Exceeds \$1,000,000/Permissive

Decrease State Revenues –\$8,800

Decrease State Expenditures – \$8,800

Assumptions:

- Current law requires the assessment of additional fees (\$20.00) upon conviction for certain drug offenses in which drug tests are performed, and an additional \$100 fee upon conviction in drug and DUI cases in which blood alcohol and breath tests are performed. The court clerk deducts five percent of these costs as compensation and identifies the remainder to the TBI which is remitted to the State Treasury. This bill would authorize the clerks to remit such fee revenues directly to the appropriate county trustee for offenses occurring in that county.
- In 2005, the TBI performed 164 blood and breath alcohol tests and 728 drug tests for counties in the Ninth Judicial District. These tests will now be performed at the forensic laboratory in the Ninth Judicial District and the net fees that previously were remitted to the State will be retained by these counties.
- It is estimated that there will be a 60% conviction rate for persons charged with these offenses and that the county will be able to collect on 50% of those convictions. $(164 \times \$100 \times .60 \times .50 = \$4,920$ for alcohol tests and $728 \times \$20 \times .60 \times .50 = \$4,368$). After deducting the five percent clerk's fee, approximately \$8,800 in net fees will be retained by

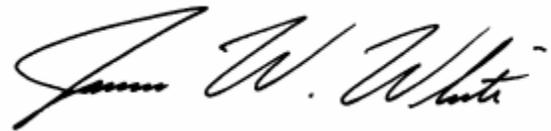
the Ninth Judicial District for this function ($\$9,288 \times 0.05 = \464.40 .
 $\$9,288 - \$464.40 = \$8,823.60$).

- The cost of building and operating the laboratory will exceed \$1,000,000 annually. Construction of the multi-county forensic laboratory is permissive, but collection and allocation of the fees to the laboratory is mandatory.

**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:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is written in a cursive style with a large initial "J" and "W".

James W. White, Executive Director