

SENATE JOINT RESOLUTION 1165

By Kyle

A RESOLUTION requesting the Fiscal Review Committee to study the manner in which incarceration costs are calculated and fines revenue is computed for fiscal notes and fiscal memoranda.

WHEREAS, the Sentencing Act of 1985, Tennessee Code Annotating § 9-4-210, requires the General Assembly to fund incarceration costs of laws and renders “any law enacted without the funding required by this [act]...null and void”; and

WHEREAS, the preamble to the Sentencing Act states that the policy of the General Assembly is to require the General Assembly that enacts laws increasing prison sentences to be responsible for the funding of these laws, rather than leaving the responsibility to a future General Assembly; and

WHEREAS, the cost of incarceration has increased substantially since 1985; and

WHEREAS, the methodology for determining incarceration costs has not been thoroughly re-evaluated since 1985; and

WHEREAS, the methodology for determining the estimated revenue derived from criminal fines should also be evaluated; and

WHEREAS, the Fiscal Review Committee desires that members of the General Assembly be fully informed about the issues involved in determining incarceration costs, the revenue derived from criminal fines, and the manner in which such costs and revenue are estimated; now, therefore,

BE IT RESOLVED BY THE SENATE OF THE ONE HUNDRED FIFTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE HOUSE OF REPRESENTATIVES CONCURRING, that the Fiscal Review Committee is requested to hold hearings to study and evaluate the method used in the determination of incarceration costs, the estimated revenue derived from criminal fines, and any related matters that the committee deems appropriate.

BE IT FURTHER RESOLVED, that the Fiscal Review Committee is requested to conduct these hearings as part of its regular meeting schedule.

BE IT FURTHER RESOLVED, that the Fiscal Review Committee, through its executive director, is requested to report in writing the results of its evaluation to each member of the General Assembly no later than January 1, 2009.

BE IT FURTHER RESOLVED, that the Fiscal Review Committee, through its executive director, is requested to appear at regularly scheduled meetings of the Senate Judiciary Committee, the House Judiciary Committee, and the Select Oversight Committee on Corrections as early in the first session of the One Hundred Sixth General Assembly as is reasonably practical in order to present the results of its evaluation.

BE IT FURTHER RESOLVED, that an enrolled copy of this resolution be transmitted to the executive director of the Fiscal Review Committee.