

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL MEMORANDUM**

**HB 268 – SB 192**

March 16, 2009

**SUMMARY OF AMENDMENT (004587):** Establishes that only petitioners who are found to be victims of domestic violence are exempt from paying costs associated with filing an order of protection including the dismissal or nonsuit of the order.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Revenue - \$53,500/General Fund  
\$112,800/Dedicated Funds

Increase Local Revenue - \$1,014,200

**FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:**

**Increase State Revenue - \$26,700/General Fund  
\$56,400/Dedicated Funds**

**Increase Local Revenue - \$507,100**

Assumptions applied to amendment:

- There will be no impact to the caseloads of the state and local court systems.
- The court clerks will be able to collect fees, taxes and costs for orders of protection filed by non-victims that are dismissed or withdrawn.
- Based on data collected from county agencies, it is estimated that there are approximately 10,000 orders of protection dismissed or withdrawn each year at the request of the petitioner. It is estimated that at least 50 percent, or 5,000, of these dismissed or withdrawn orders will be by petitioners who are found not to be a victim.
- While the costs associated with orders of protection vary from county to county, the costs are estimated to be \$168.63 per order filed. Of this amount, \$23.75 is the state privilege tax on litigation, leaving \$144.88 in county costs and fees.

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- It is estimated that 70 percent of costs are recoverable. The remaining 30 percent is assessed to petitioners who are indigent or otherwise unable to pay.
- Local revenue is estimated to increase approximately \$507,080 (5,000 x \$144.88 x 70%)
- State revenue is estimated to increase approximately \$83,125 (5,000 x \$23.75 x 70%)
- The state privilege tax revenue (\$83,125) is earmarked to the general fund and other dedicated funds as follows:
  - \$26,725 (32.1502%) to the General Fund
  - \$26 (.032%) to the Tennessee Corrections Institute
  - \$2,770 (75% of 4.443%) to the Department of Education
  - \$923 (25% of 4.443%) to the Department of Safety
  - \$545 (.6553%) to the State Court Clerks Conference
  - \$699 (.8406%) to the Victims of Crime Assistance Fund
  - \$19,951 (24.002%) to the Criminal Injuries Compensation Fund
  - \$1,143 (1.3755%) to the Victims of Drunk Drivers Compensation
  - \$3,130 (3.7653%) to the Criminal Indigent Defense Fund
  - \$460 (.5529%) to the Administrative Offices of the Court
  - \$16,035 (19.2902%) to the Public Defender Program
  - \$6,210 (7.4701%) to the Civil Legal Representation of Indigents
  - \$1,917 (2.3056%) to the General Fund for Grants to Local Gov't.
  - \$285 (.3426%) to the Sex Offender Treatment Fund
  - \$2,306 (2.7747) for Driver Education in Public Schools

**CERTIFICATION:**

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



James W. White, Executive Director

/kml