

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

HB 245 – SB 236

March 12, 2009

SUMMARY OF BILL: Creates new requirement where results of a radar, laser, or similar device used to measure the speed of a motor vehicle is not admissible as proof of speed in certain criminal cases, or cases where the speed of the vehicle is being offered to show the driver was operating the vehicle in a reckless manner, unless the law enforcement officer has been certified in vehicular velocity estimation by a state approved program. Requires the Tennessee Law Enforcement Training Academy (TLETA) to develop a vehicular velocity estimation program or designate and approve programs currently training officers in such technique.

ESTIMATED FISCAL IMPACT:

**Increase State Expenditures - \$23,000/One-Time
\$168,700/Recurring**

**Increase Local Expenditures - \$900,000/One-Time*
\$13,400/Recurring***

Assumptions:

- According to the Department of Safety, this bill would have no fiscal impact upon the Department since the Tennessee Highway Patrol already has the RADAR/LIDAR certification and recertification program in place.
- Offenses for speeding are included within all types of cases that could be dismissed as a result of an officer not being trained and certified in vehicle velocity estimation.
- According to the TLETA, there are approximately 13,000 full-time Peace Officer Standards and Training (POST)-certified local law enforcement officers in Tennessee.

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- Fifty percent (6,500) would not require vehicle velocity estimation training for their job duties (such as detectives, administrative personnel, etc.).
- Based on information provided from the TLETA, the Municipal Technical Advisory Service (MTAS), and eight police departments across the state, including Nashville, Memphis, Knoxville Chattanooga, and Murfreesboro, the number of existing police officers that would receive vehicle velocity estimation training as part of their regular on-going training at no additional cost is estimated to be 3,500.
- Approximately 3,000 existing law enforcement officers state-wide would require training and certification in vehicle velocity estimation.
- According to the TLETA, any officers not trained at the TLETA would have to be trained and certified at the local government level. As a result, it is assumed that all existing officers who need training will be trained in their respective local government jurisdictions, and all new officers will receive velocity estimation training from the TLETA.
- The cost of vehicle velocity estimation training for all officers is estimated to average \$300 per officer. This assumes a minimum of two days (or 16 hours) of training.
- The one-time increase to local government expenditures for training all existing officers that would require vehicle velocity estimation training is estimated to be \$900,000 (3,000 x \$300 = \$900,000).
- According to the Department of Commerce and Insurance, the TLETA would require one additional position for training new officers in vehicle velocity estimation.
- The recurring increase to state expenditures for the one additional training position at the TLETA is estimated to be \$134,100 per year (\$77,300 salary, \$44,300 benefits, \$12,500 other).
- The increase to one-time state expenditures for the one additional training position at the TLETA is estimated to be \$23,000 (computer, office space, communications, vehicle, etc.).
- The TLETA trains up to 160 new officers each year in vehicle velocity estimation.
- Based on information provided by the TLETA, local governments pay 28 percent of TLETA training; the state pays the remaining 72 percent.
- The increase to recurring state expenditures for training new officers is estimated to be \$34,600 (160 x \$300 x 72% = \$34,560).
- The increase to recurring local government expenditures for training new officers is estimated to be \$13,400 (160 x \$300 x 28% = \$13,440).

**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 a distinct "W".

James W. White, Executive Director

/rnc