

**TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE**



**FISCAL NOTE**

**HB 1363 - SB 1889**

March 27, 2009

**SUMMARY OF BILL:** Requires any government-funded programs that make recommendations for the pre-trial non-secured release of criminal defendants to keep a register of the recommended defendants, available to the public, in the county clerk's office. Requires the register to be updated weekly. Requires the agency responsible for the operation of a pre-trial release program to submit an annual report to the House of Representatives and Senate Judiciary Committees. Requires the annual report to contain an accounting of the percentage of the agency's annual budget that is allocated to steering defendants eligible for secured release toward obtaining their own release through non-government sponsored programs. Requires the agency to prepare the register and annual report out of its existing budget. No additional government funds will be made available. Requires the presiding judge of the judicial district where the agency is located, if the agency does not comply, to require the agency to provide a written report explaining the non-compliance and the measures that will be taken to correct the non-compliance. For a second or subsequent violation of non-compliance, the judge shall order the agency to show why it should not be sanctioned. If the agency cannot justify the continued non-compliance, the judge may order the program to reduce its budget by 25 percent if it receives public funds, and if it is a private entity, suspend further agency operations until full compliance is demonstrated.

**ESTIMATED FISCAL IMPACT:**

**Increase State Expenditures – Not Significant**

**Increase Local Expenditures – Not Significant**

Assumptions:

- The cost of preparing the required register and annual report is estimated to be not significant.
- Any increase in costs associated with additional responsibilities of the presiding judge are estimated to be not significant and can be accommodated within existing judicial resources.

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**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

/lsc