

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

SB 2709 - HB 2781

March 5, 2010

SUMMARY OF BILL: Requires an individual convicted of domestic assault to attend counseling with a court-appointed counselor for the duration of the sentence including the time the individual is placed on probation and to attend a batterer's intervention program for perpetrators of domestic abuse. The individual is responsible for paying for all counseling expenses unless the person is indigent at which point the expenses will be waived. Increases from \$200 to \$225 the fine that may be imposed for a violation of domestic assault offense. Includes counseling for indigents as a resource that may receive funds collected through the fee imposed for a violation of domestic assault.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures – Not Significant

Increase Local Expenditures – Not Significant

Other Fiscal Impact – There will be an estimated increase in revenue of \$5,300 collected from the fines. These funds will be used in conjunction with current collections to fund family violence shelters, shelter services, and counseling services for indigent offenders. Due to the large number of offenders, it is estimated that the increase in revenue will not cover all counseling expenses for indigent offenders and will result in a decrease in the amount of funds currently provided to fund family violence shelters and shelter services.

Assumptions:

- According to the Administrative Office of the Courts, there has been an average of 705 convictions of domestic assault in each of the past five years. State court convictions are 10 percent of the total convictions. Total convictions, including general sessions courts, are estimated to be an average of 7,050 per year.
- All of the 7,050 will be required to attend counseling and batterer's intervention programs. Each offender, unless unable due to indigency, is required to cover all costs of counseling.
- According to the Office of Criminal Justice Programs, there was an average of \$42,698.62 per year collected through these fines.

- The provisions of the bill increase the individual fine by 12.5 percent [(\$225 - \$200)/\$200]. It is estimated that fine collections will increase by a similar amount resulting in an increase in revenue of \$5,337 ($\$42,698.62 \times 12.5\%$) per year.
- Pursuant to Tenn. Code Ann. § 39-13-111, all fines collected are credited to the General Fund and are subject to appropriation by the General Assembly for the exclusive purpose of funding family violence shelters and shelter services. Adding counseling for indigent domestic assault offenders will result in some decrease in funds available for family violence shelters.
- There may be an increase in the amount of time the court systems spend on cases. Any increase will not be significant and can be accommodated within existing state and local resources.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "James W. White". The signature is written in a cursive style with a large initial "J" and a long horizontal stroke at the end.

James W. White, Executive Director

/kml