

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 567 – HB 685

May 13, 2011

SUMMARY OF AMENDMENT (00762565): Authorizes a magistrate to require a defendant to wear a global positioning monitoring system (GPS) device as a condition of bail in domestic violence, stalking, or violation of protection order cases. Requires a defendant to pay the costs of the monitoring unless a magistrate determines the defendant is indigent. An indigent defendant may perform community service in lieu of paying the costs. Requires a magistrate to afford the alleged victim the opportunity to assist in determining a list of defendant's prohibited locations and to inform the alleged victim of the terms and conditions of the GPS monitoring program. Requires the global positioning monitoring to be provided by the county or municipality in which the court ordering the monitoring and not by the Board of Probation and Parole.

CORRECTED FISCAL IMPACT OF ORIGINAL BILL:

Increase Local Revenue - \$337,500/Permissive
Increase Local Expenditures – \$337,500/Permissive

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the corrected original fiscal note.

Assumptions applied to amendment:

- The magistrate may order any defendant who is arrested for the offense of stalking, aggravated stalking, or especially aggravated stalking, as defined in Tenn. Code Ann. § 39-17-315; any criminal offense defined in Title 39, Chapter 13, in which the alleged victim of the offense is a domestic abuse victim, sexual assault victim, or stalking victim as defined in Tenn. Code Ann. § 36-3-601(5), (10) or (11); or is in violation of an order of protection as authorized by Title 36, Chapter 3, Part 6.
- According to the Administrative Office of the Courts, there has been an average of 64 state court convictions for domestic violence offenses in each of the past three years. State court convictions are 10 percent of the total convictions. Total convictions, including general sessions courts, are estimated to be an average of 640 per year.
- According to the Davidson County Sheriff's Office, approximately 75 percent (480) of those offenders will make bail and will be required to wear a GPS device. However, only offenders capable of paying for monitoring service will receive a device.

- According to the Board of Probation and Parole, 65 percent of offenders are indigent and cannot pay. Estimate assumes the same 65 percent of the 480 offenders (312) who make bail will not be able to pay the fees and will not be issued a device.
- Based on a 2011 study by the Mississippi Department of Corrections, the national average daily cost for GPS tracking is approximately \$5.50. Estimate assumes the cost for local governments within this state will be \$5.50.
- Estimate assumes that offenders will require GPS tracking for approximately one year.
- A total of 168 offenders will be issued a device resulting in an increase to local government expenditures of \$337,491 (168 offenders x \$5.50 x 365.25 days). These offenders will pay for the cost of the devices resulting in a corresponding increase in local revenue.

CERTIFICATION:

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



James W. White, Executive Director

/lsc