

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 3308 – HB 3728

April 16, 2012

SUMMARY OF AMENDMENT (016011): Deletes Section 1 of the original bill in its entirety. Authorizes a law enforcement officer, where a court order based on probable cause is required, to seek a surveillance warrant to obtain precision location information of an electronic device from an electronic communications service. Such surveillance warrant authorizes a law enforcement officer to place a mobile tracking device and receive location information of a vehicle, vessel, or item, or direct an electronic communications service to deliver information to the law enforcement officer of the global positional system location of an electronic device. Requires a surveillance warrant to be supported by a written application made under oath by a law enforcement officer and to set forth facts tending to establish probable cause of the grounds for the warrant. Prohibits the contents of information obtained from a surveillance warrant, or any evidence derived there from, from being received in evidence or otherwise disclosed in any court proceeding unless each party has been furnished a copy of the surveillance warrant and accompanying application or affidavit.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures – Exceeds \$47,500

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

NOT SIGNIFICANT

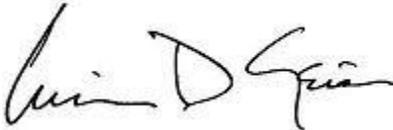
Assumptions applied to amendment:

- Any increase in caseloads for the District Attorneys General Conference can be accommodated within existing resources without an increased appropriation or reduced reversion.
- According to the District Public Defenders Conference, the proposed legislation will not increase the number of cases for public defenders; however, the public defenders will have to devote more time in court challenging the validity of these warrants, as well as raising constitutional issues.
- A small increase in cases in the court system will result in additional state and local government expenditures for processing the cases and additional state and local government revenue from fees, taxes and costs collected. These expenditures and revenue are estimated to be not significant.

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CERTIFICATION:

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



Lucian D. Geise, Executive Director

/lsc