



April 17, 2012

SUMMARY OF AMENDMENT (016629): Deletes all language after the enacting clause. Requires a \$2.00 litigation tax on all criminal charges, upon conviction or by order, instituted in any general sessions court of any county served by a judicial commissioner. Requires such tax collections be deposited in the newly created Judicial Commissioner Continuing Education Account (Fund). Authorizes the Comptroller of the Treasury to invest deposited monies. Prohibits investment interest and all deposits from reverting to the general fund. Requires funds to carry forward into the next fiscal year.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Revenue - \$198,800/Judicial Commissioner Continuing Education Fund

Increase Local Revenue - \$14,400

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions applied to amendment:

- According to the Department of Revenue (DOR), each year there are approximately 947,368 criminal cases statewide to which the litigation tax increase will apply.
- Assuming a conviction rate of 75 percent, the number of applicable cases is estimated to be approximately 710,526 (947,368 cases x 75%).
- Assuming a high indigency rate for criminal cases, DOR anticipates that litigation tax will be collected for 15 percent, or 106,579 (710,526 x 15%) of the cases.
- The recurring increase in litigation tax revenue is estimated to be \$213,158 (106,579 cases x \$2 tax).
- Pursuant to Tenn. Code Ann. § 8-21-401(h)(3), the Court Clerk is entitled to a 6.75 percent commission for receiving and remitting all privilege taxes on litigation.
- The recurring increase in local revenue is estimated to be \$14,388 (\$213,158 collections x 6.75% clerk commission).
- The recurring increase in state revenue is \$198,770 (\$213,158 collections - \$14,388 clerk commission).

CERTIFICATION:

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

A handwritten signature in black ink, appearing to read "Lucian D. Geise". The signature is fluid and cursive, with the first name "Lucian" written in a larger, more prominent script than the last name "Geise".

Lucian D. Geise, Executive Director

/sbh